

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND
3 SOUTHERN DIVISION

4 UNITED STATES OF AMERICA,)
5 Plaintiff ,)
6)
7 vs.) CASE NUMBER: 8:25-cr-00006-LKG
8)
9 THOMAS C. GOLDSTEIN,)
10 Defendant.)
11)

12 TRANSCRIPT OF PROCEEDINGS - INITIAL APPEARANCE and ARRAIGNMENT
13 BEFORE THE HONORABLE TIMOTHY J. SULLIVAN
14 UNITED STATES MAGISTRATE JUDGE
15 Monday, January 27, 2025
16 Greenbelt, Maryland

17 A P P E A R A N C E S

18 FOR THE PLAINTIFF:

19 BY: PATRICK KIBBE, ESQUIRE
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23 BY: STANLEY OKULA, ESQUIRE
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26 FOR THE DEFENDANT:

27 BY: STUART A. BERMAN, ESQUIRE
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29 7600 Wisconsin Avenue, Suite 700
30 Bethesda, Maryland 20814

31 BY: JOHN F. LAURO, ESQUIRE
32 LAURO & SINGER
33 400 N. Tampa Street, 15th Floor
34 Tampa, FL 33602

35 Also Present:

36 Office of Pretrial Services
37 Ashley Contreras and Cierra Stokes

38

39 ***Proceedings Recorded by FTR GOLD***
40 Transcript Produced by Computer-Aided Transcription

PROCEEDINGS

(1:43 p.m.)

THE COURT: Good afternoon. Everybody have a seat.

Government call the case, please.

5 **MR. KIBBE:** Calling the case of United States of
6 America v. Thomas C. Goldstein, Criminal Action Number
7 LKG-25-6. We're here for the purpose of an initial
8 appearance. Good afternoon, Your Honor. Assistant United
9 States Attorney Patrick Kibbe, joined by senior litigation
10 counsel Stanley Okula from the Department of Justice Tax
11 Division on behalf of the Government. Also at counsel's table
12 is IRS CI Special Agent Andrew O'Cardi and in the gallery is
13 FBI Special Agent Joseph Harvey who are case agents on this
14 case.

THE COURT: Good afternoon all of you.

MR. LAURO: Good afternoon, Your Honor. John Lauro.

17 I'm appearing on behalf of Mr. Goldstein, but I'm not
18 appearing in the case yet. We've not been able to work out
19 all of the arrangements for counsel to be able to notice an
20 appearance.

21 I have Mr. Berman, Stuart Berman here who will likely be
22 local counsel for Mr. Goldstein, but we've not yet worked out
23 those arrangements. We are prepared to move forward --

24 **THE COURT:** So you can't have it both ways, right?
25 So you can't be here and say you're not here. You can either

1 be not here or you're here. And in this district, I'm sure
2 Mr. Berman has told you, we allow lawyers to enter their
3 appearance specially for an initial appearance, and then we
4 usually set an Attorney Inquiry Hearing to determine whether
5 the financial aspects of retained counsel have been met or
6 not.

7 So if you want to proceed today, happy to have you do so
8 but you're going to enter your appearance because we're not
9 going to have the docket reflect that the defendant didn't
10 have anybody with him.

11 **MR. LAURO:** Yes, Your Honor. That's exactly what
12 we're asking for is that the conditions --

13 **THE COURT:** Did you fill out an entry of appearance
14 form?

15 **MR. LAURO:** I have not yet, no, but I will. And
16 just to be clear, I'm a member of District of Columbia bar,
17 but not this bar, but we're prepared to move forward under
18 those conditions.

19 **THE COURT:** That's right. You're here under the
20 protective wing of Mr. Berman, so that's scary enough for me.

21 **MR. LAURO:** I feel very safe. Thank you.

22 **THE COURT:** We'll pass you down an entry of
23 appearance.

24 **MR. LAURO:** Okay.

25 **THE COURT:** Mr. Berman, are you entering or you're

1 just a potted plant today?

2 **MR. BERMAN:** Likewise, I'm specially appearing.

3 **THE COURT:** All right, so we'll give two.

4 And before I forget, who is with us from Pretrial? I
5 keep forgetting to look over. Hi, Ms. Contreras.

6 **MS. CONTRERAS:** Good afternoon, Your Honor. Ashley
7 Contreras on behalf of Pretrial. I'm joined by U.S. Probation
8 Officer Cierra Stokes, as well.

9 **THE COURT:** I see the rotation has started. Okay,
10 all right.

11 So Mr. Lauro, on your entry of appearance just I'm going
12 to put "limited" like Mr. Berman did, "limited" for initial
13 appearance. And I plan on doing the arraignment today too,
14 but --

15 **MR. LAURO:** Yes, Your Honor. Thank you.

16 **THE COURT:** No problem.

17 All right, sir, you're Thomas Goldstein?

18 **THE DEFENDANT:** Yes, Your Honor.

19 **THE COURT:** Sir, my name is Tim Sullivan. I'm one
20 of the magistrate judges here. You're now in the United
21 States District Court for the District of Maryland. You're
22 here for an initial appearance and arraignment based on an
23 Indictment that has been filed by the grand jury of this court
24 on January 16, 2025.

25 At the initial appearance we're going to go through the

1 nature of the charges against you, talk about important
2 constitutional rights that you have as a criminal defendant,
3 set any future dates, and discuss your release status.

4 At the arraignment it's just your opportunity to enter a
5 plea in court of not guilty. Do you understand that?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** If at any point in time you have any
8 questions, please feel free to ask me or to ask one of the two
9 attorneys that are flanking you. I want to give you enough
10 time to understand everything that's going on today. So if
11 you have any questions, please feel free to ask.

12 Can I ask you to raise your right hand?

13 **(Defendant, sworn.)**

14 **THE COURT:** You can put your hand down. Thank you,
15 sir. What's your full name?

16 **THE DEFENDANT:** Thomas Che Goldstein.

17 **THE COURT:** Mr. Goldstein, how old are you?

18 **THE DEFENDANT:** 54.

19 **THE COURT:** And how far did you go in school?

20 **THE DEFENDANT:** I'm an attorney. I went to law
21 school.

22 **THE COURT:** So you completed college and completed
23 law school, correct?

24 **THE DEFENDANT:** Yes.

25 **THE COURT:** Do you read, write, and understand the

1 English language?

2 **THE DEFENDANT:** Yes.

3 **THE COURT:** Because I know lawyers who don't.

4 Do you -- are you a United States citizen?

5 **THE DEFENDANT:** Yes.

6 **THE COURT:** Are you currently under the influence of
7 any drugs, medication, or alcohol that would in any way
8 interfere with your ability to understand these proceedings?

9 **THE DEFENDANT:** No.

10 **THE COURT:** Within the last 24 to 72 hours, have you
11 had any drugs or alcohol?

12 **THE DEFENDANT:** I have had a drink, yes.

13 **THE COURT:** Okay. Whatever it was, whenever it was,
14 are you currently under the influence or are you thinking
15 clearly, no effect on your ability to understand where you are
16 and what's going on today?

17 **THE DEFENDANT:** None whatsoever.

18 **THE COURT:** Have you had an opportunity to review
19 the 50-page Indictment that was returned by the grand jury on
20 January 16, 2025?

21 **THE DEFENDANT:** Yes.

22 **THE COURT:** We are not going to go through it line
23 by line, but I'm going to advise you here in open court of the
24 nature of the charges, as well as the maximum possible
25 penalties.

1 Sir, you're charged in Counts 1, 2, 3 and 4 with tax
2 evasion under 26 U.S.C. 7201 for tax years 2016, 2017, 2018
3 and 2021. In Count 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 you're
4 charged with aiding and assisting in the preparation of false
5 and fraudulent tax returns in violation of Title 26 of the
6 United States Code § 7206. In Counts 15, 16, 17, 18 and 19
7 you are charged with willful failure to pay taxes for tax
8 years 2016, 2017, 2019, 2020 and 2021. And by the way, let me
9 just go back to the other 5 to 14. Those are for tax years
10 2016, 2016, 2017, 2017, 2018, 2018, 2019, 2019, 2020 and 2021.
11 In Counts 20, 21 and 22 you're charged with false statements
12 on a loan application in violation of Title 18 of the United
13 States Code § 1014. There's also forfeiture allegations
14 contained as to Counts 20 and 22 for the fraud -- for the
15 misstatement, alleged misstatement.

16 Mr. Goldstein, do you understand the nature of all of
17 these 22 counts contained in the Indictment?

18 **THE DEFENDANT:** I do.

19 **THE COURT:** Sir, the maximum possible penalties are
20 as follows: For Counts 1 through 4, each count carries five
21 years in the custody of the Attorney General of the United
22 States in the Bureau of Prisons. It's a Class C felony;
23 \$100,000 fine plus costs of prosecution; three years of
24 supervised release and a \$100 special assessment per count.

25 For Counts 5 to 14 each count carries three years in the

1 custody of the Attorney General of the United States in the
2 Bureau of Prisons. It's a Class E felony; \$100,000 fine plus
3 costs of prosecution; one year supervised release and a \$100
4 special assessment per count.

5 For Count 15 to 19, willful failure to pay taxes, one
6 year in the custody of the Attorney General of the United
7 States in the Bureau of Prisons, just a Class A misdemeanor;
8 \$25,000 fine plus cost of prosecution; one year supervised
9 release and \$25 special assessment per count.

10 For Counts 20, 21 and 22, each count carries 30 years in
11 the custody of the Attorney General of the United States in
12 the Bureau of Prisons, Class B felony; a million dollar fine;
13 five years of supervised release; and a \$100 special
14 assessment per count.

15 Sir, do you understand the nature of the charges, as well
16 as the maximum possible penalties?

17 **THE DEFENDANT:** I do.

18 **THE COURT:** Sir, you have very important
19 constitutional rights that I want to review with you. The
20 first is your Fifth Amendment right to remain silent. Sir, no
21 one can force, make, or coerce you to say anything. Anything
22 you say may be used against you.

23 Do you understand your Fifth Amendment right to remain
24 silent?

25 **THE DEFENDANT:** I do.

1 **THE COURT:** Sir, you also have the very important
2 Sixth Amendment right to be represented by counsel at every
3 stage of these proceedings, from the initial appearance until
4 whenever and however your case ends. There are two ways to
5 get an attorney in federal court. First is what you're doing;
6 hire your own. Use your own money, your own resources, hire
7 whoever you want. He or she will enter his or her appearance
8 with the Court. They'll be retained counsel, your counsel of
9 choice. Mr. Lauro and Mr. Berman have entered their
10 appearance today in a limited capacity for the initial
11 appearance and arraignment. I'm go to set an Attorney Inquiry
12 Hearing in due course this afternoon and you'll either have
13 new retained counsel enter full entry of appearance or we'll
14 bring you back to court and have an Attorney Inquiry Hearing
15 to figure out whether you're going to retain counsel, qualify
16 for court-appointed counsel, or represent yourself. But right
17 now, Mr. Lauro and Mr. Berman are representing you today and
18 you should endeavor as expeditiously as possible to retain
19 counsel and make the arrangements so they can enter their
20 appearance on your behalf fully.

21 Do you understand that?

22 **THE DEFENDANT:** I do.

23 **THE COURT:** And again, in the event that you find
24 yourself unable or incapable of securing counsel, you have the
25 right under the Criminal Justice Act to ask the Court based on

1 a financial affidavit to consider the appointment of counsel
2 for you.

3 Do you understand that?

4 **THE DEFENDANT:** I do.

5 **THE COURT:** As required by Rule 5(f), the United
6 States is ordered to produce all exculpatory evidence of the
7 defendant pursuant to *Brady v. Maryland* and its progeny. Not
8 doing so in a timely manner may result in sanctions, including
9 exclusion of evidence, adverse jury instructions, dismissal of
10 charges, contempt proceedings, vacating a conviction, or
11 disciplinary action against the prosecution.

12 Mr. Kibbe, do you understand the Government's
13 obligations?

14 **MR. KIBBE:** Yes.

15 **THE COURT:** Consistent with the Due Process
16 Protections Act, I'll enter a written order to that effect as
17 well.

18 Before we move on to scheduling and release conditions or
19 whatever it may be, let's proceed to the arraignment.

20 Mr. Goldstein, an arraignment, as you know, is just your
21 formal opportunity to enter a plea of not guilty here in court
22 to all charges contained, all counts contained in the
23 Indictment.

24 Do you understand that?

25 **THE DEFENDANT:** I do.

1 **THE COURT:** Mr. Lauro, do you waive reading of the
2 Indictment?

3 **MR. LAURO:** Yes, we do, Your Honor.

4 **THE COURT:** Mr. Goldstein, what's your plea to
5 Counts 1 to 22 of the Indictment?

6 **THE DEFENDANT:** Not guilty, Your Honor.

7 **THE COURT:** The Court will enter a formal plea of
8 not guilty on all 22 counts on behalf of Mr. Goldstein.

9 Speedy jury trial demand being made at this time?

10 **MR. LAURO:** Your Honor?

11 **THE COURT:** Reserve?

12 **MR. LAURO:** Yeah, we have no objection to an
13 exclusion with respect to the time necessary for us to
14 finalize our arrangement.

15 **THE COURT:** That's fine. So we'll just reserve at
16 this point.

17 Government, status of discovery?

18 **MR KIBBE:** Your Honor, we've had several discussions
19 with defense counsel today about discovery and it's currently
20 being prepared.

21 **THE COURT:** And anticipate a number of trial days?

22 **MR. KIBBE:** 14, Your Honor.

23 **THE COURT:** This case is assigned to Judge Griggsby.
24 Judge Griggsby has given me the information that I'm about to
25 give to you. Judge Griggsby will conduct a status conference

1 in this case on February 6, 2025 at 10:30 a.m. So status
2 conference February 6, 2025 at 10:30. Chambers will provide
3 call-in instructions. Motions -- pretrial motions deadline is
4 21 days from today. But the status, telephonic status
5 conference with Judge Griggsby on February 6th at 10:30 a.m.
6 That will complete the arraignment.

7 Government on release?

8 **MR. KIBBE:** Your Honor, I believe the Government
9 believes that conditions of release are appropriate. The
10 Government agrees with the conditions proposed by Pretrial
11 Services with one exception, which is that the Government
12 proposes a bond amount of \$4 million secured by Mr.
13 Goldstein's residence in DC. I understand that defense
14 counsel has some objections that we discussed. I'm happy to
15 go further now or wait for the Court's direction.

THE COURT: Let's hear from Mr. Lauro first.

17 **MR. LAURO:** Yes, Your Honor. Would it make sense
18 for me to go through each one of the proposed conditions?

19 **THE COURT:** No, just the ones that -- I mean, look,
20 Mr. Lauro, Mr. Berman has probably told you, I very rarely
21 agree with everyone anyway. So I have my own ideas of what's
22 going to happen here, but I think you can just concentrate on
23 the ones that you find problematic, that will be good.

24 || MR. LAURO: Yes, Your Honor.

With respect to any posting of security, we don't believe

1 that that's necessary in light of Mr. Goldstein's long career
2 before the Supreme Court. I believe he's --

3 **THE COURT:** What does that have to do -- look, let
4 me make something perfectly clear.

5 **MR. LAURO:** Well, in terms of --

6 **THE COURT:** Mr. Lauro, don't fight with me. I know
7 who Mr. Goldstein is. I mean, but he is no different than any
8 other criminal defendant who appears in front of me. And to
9 argue that he's had a distinguished career and lots of cases
10 in the Supreme Court moves the needle zero. So let's
11 concentrate on the Bail Reform Act. And please don't tell me
12 that because he has argued so many cases in the Supreme Court
13 that the Bail Reform Act doesn't apply to him. Let's talk
14 about why he's not a serious risk of flight. Let's talk about
15 why the Court thinks -- and I can do it on my own motion --
16 that reading the Indictment and reading the pretrial report is
17 like -- it's like a book. It's like man of magic gone all
18 around playing poker for millions and millions of dollars.
19 The countries he's been to, the places he goes, places --
20 where is he living now? These are all things that cause the
21 Court -- and I'll acknowledge this, that there's a tension
22 because Mr. Goldstein has zero criminal history. He is an
23 attorney. I understand that. These are not crimes of
24 violence, I understand that. Even though one could argue that
25 not paying your taxes like everyone else imposes an economic

1 issue to society.

2 But this is about risk of flight to the Court. And I
3 think you can kind of focus on that and why he's not a serious
4 risk of flight. I'll put my cards, no pun intended, I'll put
5 -- it's a pretty good one -- I'll put my card out there. I am
6 concerned that he's a risk of flight. I don't know whether he
7 lives in DC, Dallas, Hong Kong, California, wherever. And the
8 rubber meets the road today because he's now had his initial
9 appearance. And whatever was going on in this case in terms
10 of -- I assume he knew he was under investigation. I have no
11 idea, but the landscape has changed.

12 So I think you would be prudent to focus on what you
13 think reasonable conditions are to reasonably assure his
14 appearance, because that's where I am this afternoon.

15 **MR. LAURO:** Yes, Your Honor. Mr. Goldstein has been
16 aware of this matter for quite some time, several years. He
17 had other counsel engaged in extensive negotiations with the
18 Government. At no time did he attempt to flee or do anything
19 to not face the consequences of this matter. In fact, he
20 thoroughly engaged with the Government on a regular basis
21 through counsel.

22 We've been certainly aware of a potential for charges
23 over several years. Mr. Goldstein also has a long history
24 with respect to his ties to the community. Not just the
25 work-related matters which I initially was going to get into,

1 but also the fact that he was a resident of the metropolitan
2 DC area his entire professional life for many, many years. So
3 he has strong ties to the community. He was a member of a law
4 firm that practiced in Bethesda. He's been a member of the
5 bar, which I think goes to his ties to the community. He does
6 live in DC which is in the pretrial report.

7 He's been married for many years. He lives with his wife
8 in DC. He also does have a home in Dallas, but there's no
9 indication here that he has any inclination to flee. In fact,
10 just the opposite. He appeared voluntarily. We've been in
11 regular contact.

12 As an attorney, as someone at his level, he certainly is
13 aware of the consequences of the criminal justice system and
14 he has abided scrupulously by his obligations to be here and
15 to deal with these important issues. And as a lawyer, he
16 certainly is cognizant of all of that.

17 But Your Honor, I would say that the most important
18 factor are his ties to the community. He has two children.
19 His long-term connections to this community, no indication of
20 a risk of flight ever and I don't think the pretrial report
21 reflects any indication whatsoever that he is a risk to flee
22 in terms of his willingness to come here and face the
23 consequences of these charges.

24 He has had international travel. We are going to provide
25 the Court with his passports. We're surrendering those

1 passports. There's no issue there whatsoever.

2 The issue with the house is that there is some equity in
3 the home that Mr. Goldstein expects to use for the payment of
4 legal fees. So that's going to be critically important for
5 him to be able to retain counsel. We don't believe that any
6 kind of restriction or lien on the house is going to increase
7 the necessary assurance that he'll be present in court. I
8 think Your Honor can trust Mr. Goldstein that he'll be here
9 and that he'll face these issues based on his past experience
10 and based on his ties to the community. So we don't see any
11 risk of flight here whatsoever.

12 **THE COURT:** So I'm not going to talk about these
13 numbers out loud, but look at page 4 of the Pretrial Services
14 report under the three personal checking numbers. So that is
15 in excess of -- that's a lot of money with a lot of zeros on
16 it. So why can't the house be secured and this, the checking
17 account money be used to retain counsel? And if counsels'
18 fees are above these numbers, then you can certainly come back
19 and I can release some part of it or do something. But there
20 seems to be -- his finances seem to be in a situation where he
21 has enough to at least pay a retainer or something to some
22 lawyers.

23 Am I wrong about that?

24 **MR. LAURO:** Your Honor, this is going to be an
25 extremely complicated case and we don't know exactly the full

1 parameters. There's electronic discovery involved as well.

2 He also has family expenses that are necessary. He has two
3 children --

4 **THE COURT:** Yeah, but look, Mr. Lauro -- again,
5 don't -- when you tell me he has family expenses, and he has a
6 nanny for his 17-year-old and a personal assistant, that's not
7 what I see in this community and he gets no love for having --
8 I need a personal assistant. I don't have a personal
9 assistant. So I don't -- he's got to get his priorities
10 straight.

11 And I'm trying to figure out why he doesn't have enough
12 money right now based on this pretrial report to hire --
13 because let me cut to the chase. He is going to put up the
14 Hawthorne Street property. It's going to be both of them. I
15 don't know if the wife is here today, but she is going to post
16 100 percent interest in that property. So I'm going to fully
17 collateralize that property. And if Mr. Goldstein stays in
18 the area and deals with this case however it resolves, we
19 release it; no harm, no foul.

20 If Mr. Goldstein decides to go to Hong Kong, or Japan, or
21 somewhere else and violates the conditions of release and
22 disappears, then the house will be forfeited. So that's
23 traditionally what I do in these cases and I see no reason not
24 to. Because I think the family home is of such importance
25 that people usually won't violate or disappear if they know

1 their loved ones will be homeless. So that's kind of how I
2 approach these.

3 **MR. LAURO:** Well, Judge, it's obviously going to put
4 Mr. Goldstein in a difficult position, but I would also
5 indicate that there's been no suggestion whatsoever of any
6 inclination to flee or abscond or not deal with these
7 important charges. And I think the fact that he voluntarily
8 has been here -- he's been dealing with these issues for many,
9 many years -- I think suggests overwhelmingly that the only
10 reasonable need for assurance would be a bond that he signs
11 that commits him personally to be here.

12 **THE COURT:** It's preposterous because he owes
13 already -- he has tax -- he owes people millions and millions
14 of dollars. So why would I impose a fake appearance bond that
15 would be uncollectible by the Government if he fails to
16 appear? It doesn't make any sense. He owes the IRS over a
17 million bucks already. Somewhere around there. And he has
18 all kinds of other liabilities based on what he reported. So
19 to say you'll pay \$100,000 to the Government if you leave,
20 that doesn't really make sense.

21 Am I missing something?

22 **MR. LAURO:** No, Your Honor. We're just agreeing
23 with a pretrial report that did not suggest in any way, in any
24 way that there needs to be a lien on the house and that the
25 assurances of Mr. Goldstein to be here with the personal

1 recognition bond were sufficient. So we simply agree with
2 the pretrial report here which did not require any kind of
3 lien.

4 Your Honor, the other option in lieu of a lien would be
5 for Mr. Goldstein's dad and stepmom to also sign a bond as
6 well, which they're willing to do, but that would enable Mr.
7 Goldstein to free up the house, you know --

8 **THE COURT:** So how much is their property in
9 Columbia, South Carolina worth, do we know?

10 **MR. LAURO:** I don't know the answer to that, Your
11 Honor, but I can inquire as well.

12 **THE COURT:** Is it around 3 to \$4 million?

13 **MR. LAURO:** It's probably less, Your Honor.

14 **THE COURT:** Right. Okay.

15 **MR. LAURO:** But I could inquire of Mr. Goldstein's
16 dad and stepmom --

17 **THE COURT:** Are they here today?

18 **MR. LAURO:** They're not, but I could -- I think we
19 could try to reach them in the next day or so, absolutely.

20 **THE COURT:** All right, anything else?

21 **MR. LAURO:** I believe that the house or the home in
22 South Carolina has more equity than Mr. Goldstein's house does
23 in the District of Columbia.

24 **THE COURT:** Yeah. Which causes a challenge to him
25 to try to pay the high attorneys' fees that he's going to have

1 to pay if he's going to try to refinance and -- forget about
2 that, how that's going to happen? But if he doesn't have a
3 lot of equity in the house already, why are we even having
4 this conversation about the property being secured so we can
5 draw out the money to retain counsel if there's not sufficient
6 equity in the house?

7 **MR. LAURO:** No, there's equity in the house. I
8 don't want to mislead the Court. And I think that was
9 reflected in the pretrial report. But we fundamentally agree
10 with the pretrial assessment which is that there's not a need
11 here for any kind of lien and I think the Bail Reform Act
12 almost presumes that there will be release on personal
13 recognition bond unless there's other factors here. And
14 there's nothing on the record that demonstrates any risk of
15 flight or any effort by Mr. Goldstein to leave the
16 jurisdiction or leave the United States or not deal with these
17 important problems.

18 So I certainly, you know, would say and ask the Court to
19 defer to the pretrial officer's careful assessment after a
20 very significant interview --

21 **THE COURT:** Mr. Lauro, do you know how many times I
22 deferred to Pretrial in my 13 years on the bench? Probably
23 not very much. So if you know your audience, you know that I
24 exercise my own independent -- which I think by the way, the
25 Bail Reform Act gives me the ability to do that. So I take

1 their recommendation very seriously, but I very rarely
2 rubber-stamp what anybody says. And I'm sure Mr. Berman
3 probably would have told you that, but --

4 **MR. LAURO:** He has --

5 **THE COURT:** But I'm looking at this one page of --
6 and look, knowing somebody is about to get indicted or knowing
7 somebody is under investigation is a much different animal
8 than a 50-page indictment and an arrest warrant being issued
9 for you.

10 So the landscape has changed in my view about being under
11 investigation, to being charged and facing a trial and
12 potential imprisonment in the Bureau of Prisons. So I think
13 the landscape has changed for Mr. Goldstein. And I'm not
14 detaining him or anything like that, but I'm trying to put
15 reasonable conditions to safeguard my concern that he's a risk
16 of flight. And I know you say he's not, but I can't help but
17 look at all this international travel, recent and historical
18 and France, November 2024. That's just a couple months ago.
19 And Germany 2024.

20 So I can't -- I mean, I'm taking his passport, of course.
21 But I know this will be a shocker, but there's people of means
22 and people who are really smart like your client who has
23 argued all these cases in the Supreme Court, they have an
24 ability to hack certain things and they have the ability to
25 figure out how to do things that normal people don't. So I'm

1 trying to make it very difficult for Mr. Goldstein to even
2 think about not showing up. And that's my purpose. And I
3 understand you're about to house -- but I guarantee you that a
4 piece of property, unless it's some giant mansion down in
5 Columbia, is not going to have the value of a property in
6 northwest Washington that's 3 or \$4 million.

7 **MR. LAURO:** Your Honor, in a sense, though, what you
8 just mentioned argues my point and supports my point because
9 during the pendency of a very serious investigation, Mr.
10 Goldstein did travel abroad and come back.

11 **THE COURT:** But he was hoping that maybe he didn't
12 get charged. Hoping that his lawyers could work out
13 something; that he wouldn't be charged, that he wouldn't be
14 indicted. But now he's been indicted.

15 **MR. LAURO:** Yes. And granted, once he was indicted
16 he showed up voluntarily.

17 **THE COURT:** I understand. I understand.

18 **MR. LAURO:** And prepared to deal with these charges.

19 **THE COURT:** I get it.

20 **MR. LAURO:** So at every step of the way there's
21 nothing on the record that can be identified.

22 **THE COURT:** Well, there's no record yet, right.

23 **MR. LAURO:** Well, yeah. I mean, there's a record of
24 showing up, but what I could do, Your Honor, with the Court's
25 permission is in the next 24 hours inquire of dad and the

1 stepmom and give the Court information regarding that property
2 in South Carolina regarding the amount of equity. And I think
3 Your Honor can be absolutely assured that a son would not put
4 a parent in any kind of jeopardy financially with respect to
5 putting that house up or having the dad and the stepmom sign a
6 personal recognizance bond which they're certainly willing to
7 do as well.

8 So that would understandably, I think, take care of any
9 issue that the Court may have. And then also solve the
10 problem of what Mr. Goldstein has to do to have his rights
11 asserted in terms of having defense counsel participate.

12 This is a complicated case. Your Honor has observed
13 correctly that there's a lot of counts here. There's a lot of
14 electronic data. There's going to be a lot of work that needs
15 to be done to look through this information. It's a
16 gargantuan task. There's no doubt about that. And we would
17 only respectfully ask that Mr. Goldstein have the resources to
18 do that. And we're representing to the Court as two officers
19 of the court that this equity is going to be used for counsel
20 purposes and that's the reason why we're suggesting that
21 there's other alternatives to assuring the Court without
22 having the house -- without having the lien on the house.

23 **THE COURT:** Okay. So Mr. Kibbe, why the property in
24 DC and what's the Government's view?

25 **MR. KIBBE:** Thank you, Your Honor. The Government's

1 view is a \$4 million bond would be appropriate and that should
2 be a secured bond. So I can address both the amount -- but I
3 will say on the amount that we'll defer to the Court and I can
4 also address the security aspect.

5 So on the amount, the \$4 million --

6 **THE COURT:** Can I ask you a question, though?
7 Because I can't -- you know, the Indictment however drafted is
8 not a model of clarity in some areas and what's the total tax
9 loss that the Government alleges?

10 **MR. KIBBE:** At this time the Government calculates
11 the taxes due and owing approximately \$2.4 million. And then
12 if you take the \$1.8 million mortgage on the DC home which is
13 obtained according to the Indictment via the false statements
14 on the mortgage applications, that brings you to \$4.2 million.
15 And that's the first reason that the Government is proposing a
16 \$4 million bond because that's an approximate amount of the
17 money at issue in this case. So as a benchmark the
18 Government's view is that would be an appropriate amount.

19 With respect to --

20 **THE COURT:** Let me just -- because I interrupted Mr.
21 Lauro, so let me interrupt you. So does the Government have
22 any concerns that because of the charges 20 to 22 that the
23 property wasn't obtained, the mortgage wasn't obtained
24 legally, and the property is forfeitable that it doesn't make
25 sense to allow him to take the equity out of the property that

1 he supposedly illegally obtained? Is that what you're
2 arguing?

3 **MR. KIBBE:** Our argument, Your Honor, really tracks
4 I think what Your Honor has already mentioned which is what is
5 an asset that is going to meaningfully ensure his -- Mr.
6 Goldstein's appearance here. And the family home would be
7 that asset. There's a long history and it's detailed in the
8 Indictment of Mr. Goldstein not responding to, not paying
9 millions of dollars in unsecured debt. And so from the
10 Government's view doesn't make any sense to have one more
11 unsecured debt to secure his appearance here.

12 Rather, what's something that would secure his appearance
13 and secure the bond? And that would be the family home, even
14 if the equity in the home is less than the total amount that
15 the Government is asking for.

16 **THE COURT:** Right. And what about -- Mr. Lauro
17 didn't -- he touched on it, but when the grand jury indicted,
18 the Government presented and obtained an arrest warrant for
19 Mr. Goldstein on the 16th and didn't do anything about it.
20 And now we're at the 27th and Mr. Goldstein shows up
21 voluntarily, self-surrenders to the marshals. So doesn't that
22 kind of cut against the Government's concern that Mr.
23 Goldstein is a flight risk?

24 **MR. KIBBE:** It does to a certain extent, Your Honor,
25 which is why we're not, for example, asking for detention

1 today, that release conditions are appropriate.

2 At the same time, there are vast amounts of money
3 involved in this case. Mr. Goldstein has extensive and
4 prolific international travel and contacts and sophisticated
5 means of traveling; traveling on private carriers.

6 Sophisticated financial resources. Crypto currency accounts.

7 Banking --

8 **THE COURT:** He has money -- supposedly he has money
9 in countries that I've never heard of before, but go ahead.

10 **MR. KIBBE:** And so for those reasons, Your Honor, we
11 do think that conditions are appropriate to secure Mr.
12 Goldstein's appearance, despite the fact that he has
13 self-surrendered today.

14 **THE COURT:** Okay.

15 Mr. Lauro, is Ms. Howe here today? Am I pronouncing it
16 correctly?

17 **MR. LAURO:** I'm sorry, Your Honor, she's visiting
18 their son who is in the UK, so she's not here right now.

19 **THE COURT:** Okay.

20 **MR. LAURO:** But she's reachable as well and as I
21 say, within a 24-hour period we can contact the dad and the
22 stepmom in terms of the home in South Carolina.

23 **THE COURT:** Yeah, when is Ms. Howe returning?

24 **MR. LAURO:** Should be today, within hours. Three or
25 four.

1 **THE COURT:** Okay.

2 **MR. LAURO:** But I don't know the exact flight plan
3 and so forth. But certainly by tomorrow morning, as well.

4 **THE COURT:** Okay. And to the best of your knowledge
5 right now will Ms. Howe agree to sign the agreement to forfeit
6 the property for the Hawthorne Street address?

7 **MR. LAURO:** Well, that's something we've not
8 discussed --

9 **THE COURT:** Look, I think something shady is going
10 on here, okay? Shady, shady, shady. And I've never, very
11 rarely have the primary residence at issue. Whether it needs
12 to be refinanced for lawyer fees, there are ways and
13 mechanisms that the Court can grant an order to take off the
14 lien, allow a refinance to occur, put the lien back on or find
15 some other alternative source to deal with it.

16 And obviously the Court is very sensitive to Mr.
17 Goldstein's Sixth Amendment right to retain his counsel of
18 choice and the Court will accommodate his ability to do that
19 whether -- if the Government objects or not that's just a
20 different story. But I sit here and my spider sense is
21 tingling because I don't understand the problem of putting the
22 primary residence up as collateral for his appearance. I
23 don't -- I don't get it. I don't understand. Because that's
24 what's going to happen, by the way. But I don't get it. All
25 right.

1 **MR. LAURO:** Well, Your Honor, we've been completely
2 transparent with the Court with respect to the need for this
3 and the fact that this is a very extensive case. It's going
4 to require experts. It's going to require hours and hours of
5 reviewing complicated documents. And the suggestion from the
6 Government is that there's 60,000 or so documents that need to
7 be reviewed. It's a massive undertaking.

8 **THE COURT:** I understand that.

9 **MR. LAURO:** And the cost of litigation now are quite
10 high, particularly in light of electronic discovery and so
11 forth. So there's a legitimate need for the resources. And
12 all we're asking is for the Court to find I think
13 appropriately that Mr. Goldstein -- there are sufficient
14 protections to reasonably assure his appearance. And one of
15 them is a signature bond and certainly a signature bond of his
16 dad and stepmom.

17 **THE COURT:** Yeah, okay.

18 Mr. Berman, what's that case called, *Nebbia*? What's the
19 case where people are trying to hire lawyers using money
20 that's tainted by criminal conduct? Is that *Nebbia*?

21 **MR. BERMAN:** Yeah, I believe that's Second Circuit
22 case wildly discussed --

23 **THE COURT:** Would the Government -- I mean, is the
24 Government going to object if Mr. Goldstein is successful in
25 refinancing his house to pay for his attorneys' fees? Is that

1 going to create an issue for Judge Griggsby?

2 **MR. LAURO:** No, Your Honor. We don't anticipate
3 that being an issue. And this would be equity in his house,
4 Your Honor, that is not tainted in any way under *Nebbia* or any
5 other theory. So it would be his equity that's free and
6 clear.

7 **THE COURT:** Right. Okay, anything else anybody else
8 wants to add?

9 **MR. LAURO:** No, Your Honor.

10 **THE COURT:** Pretrial, anything?

11 **MR. LAURO:** I'm sorry, Your Honor. I thought you
12 meant just on that topic. I didn't hear you, Your Honor, I'm
13 sorry. On just that topic, no further argument with respect
14 to that. Excuse me.

15 With respect to the issue of travel, what we would
16 request, Your Honor, is that travel include the DC
17 metropolitan area, as well as New York, Los Angeles, Dallas,
18 Atlanta and Miami which relate to certain business activities
19 that Mr. Goldstein anticipates. And what we would suggest is
20 that with respect to travel with regard to those locations,
21 that he notify Pretrial in advance.

22 **THE COURT:** I thought -- I thought a couple minutes
23 ago you were singing the praises of the very careful,
24 conscientious Pretrial Services report and all of the
25 conditions were just, like, ideal and they recommend

1 Washington metropolitan area without prior approval, right?
2 So that's fine, right? I mean, he's not playing -- he says
3 he's not playing poker anymore and he's basically not
4 practicing law. So why does he need to travel to all these
5 other places?

6 **MR. LAURO:** He is trying to make a living. He is
7 trying to --

8 **THE COURT:** As a what, poker playing or lawyer?

9 **MR. LAURO:** No, he can't, Your Honor, with respect
10 to playing poker and we've agreed to that as a condition. So
11 that's not going to be an issue. It's more difficult now as a
12 lawyer because of these charges, but he is seeking other types
13 of employment and other business opportunities. He also has a
14 Supreme Court blog that he's working on and trying to deal
15 with issues relating to that blog as well. So there's other
16 business opportunities for him. And these are the cities that
17 we located. And once again --

18 **THE COURT:** What would he do there?

19 **MR. LAURO:** Well, these are likely locations that he
20 would meet with individuals regarding business opportunities.
21 He also has --

22 **THE COURT:** What does that mean? Like what, for his
23 online thing? For what -- for what, does he have a plan? Or
24 does he just want to go to these cities and look around and
25 try to find people to do what?

1 **MR. LAURO:** These are cities that historically he's
2 been to to meet with individuals that could provide potential
3 business opportunities and employment for him. He also has a
4 home in Dallas, as well. So he'd like to be able to go to
5 Dallas on a regular basis, as well.

6 **THE COURT:** Okay. Anything else?

7 **MR. LAURO:** There's also the issue of individuals
8 that are subject to a no-contact provision. And the
9 Government has provided us with sort of two categories of
10 individuals. One that contact would be allowed for financial
11 transactions and legal work, and we would just like to expand
12 that to include that in that first category he would be
13 permitted to engage with those individuals on a personal
14 level. Some of these are long-term acquaintances and people
15 he has known for several years. And we'd like to include
16 personal and social contact with respect to those individuals
17 that are identified.

18 The Government furnished us a list and there's over 68
19 people on the list which they would propose as no contact and
20 we believe that's overly broad. And we haven't submitted it
21 to Your Honor. Maybe it would be easier if we provided those.

22 **THE COURT:** I haven't seen it. Can you provide a
23 copy?

24 **MR. LAURO:** Yes, Your Honor.

25 **THE COURT:** Okay, go ahead. So let me ask Mr.

1 Kibbe, this is a pretty long list and I don't know how
2 Pretrial manages this, so what's up with this list?

3 **MR. KIBBE:** So yes, Your Honor. This is the list of
4 potential witnesses as has been established on the record and
5 reflects in the Indictment, this is a year's long significant
6 investigation that includes many different individuals. The
7 two parts of this list were an attempt to be responsive to
8 defense counsel's concerns and requests. We've been
9 discussing this for over a week. Defense counsel pointed out
10 that some of the people on this list are attorneys, attorneys
11 that Mr. Goldstein previously worked with. There's other
12 people in here that he may have ongoing financial transactions
13 with. For example, he as included in the Indictment owes
14 money on some private debt. And so in an effort to
15 accommodate that we propose breaking out that first category
16 of individuals. So there can be contact for any legal work
17 that's going on or historical legal work that needs to be
18 resolved. So any of those financial transactions.

19 Other than that, the Government proposes that these
20 standard conditions as included in the Pretrial Services
21 report of no contact with witnesses is appropriate and it's
22 appropriate not just because that's standard practice, but
23 because in the course of this case there have been instances
24 where the Government believes that Mr. Goldstein has attempted
25 to influence witnesses. And I can give the Court several

1 examples.

2 This investigation went overt in the fall of 2020. At
3 the time there was a firm manager, as included in the
4 Indictment, who was responsible for many aspects of the firm,
5 Goldstein & Russell. That firm manager was aware of some of
6 these tax issues and decided to resign in an effort, the
7 Government believes, to create favor with that individual, Mr.
8 Goldstein offered her Bitcoin, offered her other things of
9 value to make her stay or otherwise to create favor with that
10 individual as she was resigning over this.

11 More recently, Your Honor, the Government has contacted
12 and interviewed numerous witnesses as reflected on this list.
13 One of those witnesses was a personal assistant of Mr.
14 Goldstein's, and we're talking relatively recently in the last
15 year or two and with whom he also had a personal relationship.

16 The Government has text messages in the form of WhatsApp
17 messages in which Mr. Goldstein told that witness to delete
18 her chats when she was coming back in the United States
19 because of this investigation because the Government may seize
20 her phone at the border.

21 Now the Government understands that they also -- or
22 believes they also had a personal relationship, but she was
23 his personal assistant. So extremely important, valuable
24 information that could be gleaned from that and Mr. Goldstein
25 specifically told her to delete her chats.

1 So the general prohibition on contact with witnesses we
2 submit is appropriate. We tried to carve out and accommodate
3 an exception for the general legal or financial transactions,
4 but otherwise the Government believes that this is
5 appropriate.

6 **THE COURT:** So 1 to 9 in the first category, are
7 these all attorneys and/or financial people that Mr. Goldstein
8 has a professional relationship with? I'm not really
9 concerned about the second category of people, but 1 to 9?
10 And number 1, without naming names and everything, who are
11 these people, generally?

12 **MR. KIBBE:** Yes, Your Honor. A majority of them --
13 maybe half of them were former partners of Goldstein &
14 Russell. Several of them are attorneys at outside law firms
15 that have worked with Goldstein & Russell. And then there are
16 two names on this list, possibly a third which is a crossover,
17 both an attorney and someone who he had a financial
18 relationship with were in the financial transactions category.

19 **THE COURT:** And 1 to 9, does the Government expect
20 to call these individuals at trial?

21 **MR. KIBBE:** Yes, Your Honor.

22 **THE COURT:** And Mr. Lauro, the 1 to 9, aside from
23 being personal friends, what's your response to the
24 Government's concern that based on what they just proffered
25 that he shouldn't -- Mr. Goldstein shouldn't have any kind of

1 contact at all with those people that's not case-related
2 contact?

3 **MR. LAURO:** Well, as I understand it contact would
4 be permitted with respect for 1 through 9 and we agree no
5 discussion of the case whatsoever. We completely agree with
6 that. We would just add to financial transactions and legal
7 work, personal and social interaction that he would ordinarily
8 have. Calling somebody, wishing them a happy birthday, going
9 out to lunch with them, taking about family matters unrelated
10 to the case. We don't see any concern there that there might
11 be any attempt to influence testimony in this case. And as a
12 result, we would just ask that with respect to that category,
13 the topics also include personal and social interaction.

14 **THE COURT:** Okay.

15 Anything else by either party?

16 **MR. LAURO:** Yes, Your Honor. With respect to the 68
17 people, there are six or seven individuals that we would like
18 to move up to the first category. I'm happy to identify them.
19 I've identified them for the Government. Again, these are in
20 the categories of clients or former clients, long-term friends
21 and individuals that I do not believe will play a significant
22 role in this case at all.

23 And let me also mention that the question of deleting
24 chats that was raised by the prosecutor, there is a text
25 message exchange where Mr. Goldstein scrupulously recognizes

1 that anything related to the case should never be deleted, but
2 that some personal and confidential chats having nothing to do
3 with this case would be clear. But it has no suggestion at
4 all of any interference with the criminal justice process or
5 anything affecting this case.

6 **THE COURT:** Depending what the confidential chats
7 are.

8 **MR. LAURO:** I'm sorry?

9 **THE COURT:** Depending what the confidential --
10 didn't you say he said delete the confidential texts?

11 **MR. LAURO:** These are of a personal nature, not
12 having anything to do with the case. So I just want to make
13 that clear.

14 **THE COURT:** You also understand my concern when you
15 have a defendant who is sophisticated enough to know the broad
16 extent of a border search. So go ahead.

17 **MR. LAURO:** Yes, Your Honor. Absolutely. And, you
18 know, was certainly able to advise friends as to the
19 consequences of one. But I do have five or six individuals
20 that I would like to add to category one.

21 **THE COURT:** Just give me their numbers.

22 **MR. LAURO:** Unfortunately, I don't have the numbers,
23 I just have the names. But let me try to -- so 64, number 64
24 is a client.

25 **THE COURT:** Let's just do it one by one. So Mr.

1 Kibbe, 64?

2 **MR. KIBBE:** Yes, Your Honor.

3 **THE COURT:** Don't give names, just give whatever,
4 descriptions.

5 **MR. KIBBE:** 64 is a key witness, Your Honor. In
6 addition to that we'd say that we did consult with defense
7 counsel beforehand and while some of these individuals are
8 former clients, defense counsel told us that they're not
9 current clients. And all of the people that defense counsel
10 -- and this is my understanding from defense counsel earlier,
11 they're for the purposes of social contacts, personal
12 relationships and social contacts. And the Government submits
13 that entire category should not be added as a way to have
14 permissible contact.

15 The Government tried to carve out an exception for legal
16 work and financial transactions, but the idea that Mr.
17 Goldstein could be calling a witness right before a trial to
18 wish them a happy birthday, get them on the phone, see how
19 they're doing, go out to lunch, the Government thinks is
20 inappropriate generally and inappropriate in the context of
21 this case when there already has been behavior by Mr.
22 Goldstein to influence witnesses.

23 **THE COURT:** So is 64 a former client, a legal client
24 of Mr. Goldstein?

25 **MR. KIBBE:** I believe that may be the case, Your

1 Honor, yes.

2 **MR. LAURO:** Your Honor, present client. There's
3 ongoing advice as I understand it to number 64.

4 **THE COURT:** But I thought Mr. Goldstein is not
5 practicing law?

6 **MR. LAURO:** Well, he's not out actively getting new
7 clients, but from time to time he does give advice to existing
8 clients.

9 **THE COURT:** Okay.

10 **MR. KIBBE:** Your Honor, to the extent we are going
11 to go line by line for each of these witnesses, I would also
12 note for 64 it's also a gambling contact. And that individual
13 is currently fighting extradition to China from France and the
14 French Government took his passport.

15 **THE COURT:** Okay, what's your next one?

16 **MR. LAURO:** 49 and 50.

17 **THE COURT:** Okay.

18 **MR. LAURO:** Again, in the current client category.
19 And I don't believe they are significant witnesses.

20 **THE COURT:** 49 and 50 -- you said 58 and 49 or 49
21 and 50?

22 **MR. LAURO:** I'm sorry, 49 and 50. All right.

23 **THE COURT:** Again, not naming names, but are these--

24 **MR. KIBBE:** Your Honor, 50 --

25 **THE COURT:** --poker people?

1 **MR. KIBBE:** The Government believes that 49 and 50,
2 they're related. Individual number 50 is named not by name,
3 but by reference in the Indictment and key to some of the
4 allegations in the Indictment including the movement of money
5 abroad.

6 **THE COURT:** Okay. And what about 49? Are they the
7 same person or are they -- are they two different people?

8 **MR. KIBBE:** I think they're related individuals,
9 father and son.

10 **THE COURT:** Okay.

11 **MR. KIBBE:** And so, you know, between the two, 49 is
12 less significant of a witness than 50, but to the extent he's
13 reaching out to one family member of two when one is a
14 significant witness --

15 **THE COURT:** Right, understood.

16 All right, Mr. Lauro, what's your next?

17 **MR. LAURO:** 45 is a long-time friend and also
18 someone that may be engaged in future business with Mr.
19 Goldstein.

20 **THE COURT:** 45, Mr. Kibbe?

21 **MR. KIBBE:** 45, Your Honor, that individual was
22 convicted in New York on gambling-related charge.

23 **THE COURT:** Okay.

24 **MR. KIBBE:** May be a witness in this case as well.

25 **THE COURT:** May be?

1 **MR. KIBBE:** May be.

2 **THE COURT:** Okay. All right, what's your next one?

3 **MR. LAURO:** Number 7 is a long-time friend, close
4 friend for 20 years.

5 **THE COURT:** Number 7?

6 **MR. KIBBE:** Yes, Your Honor, that is a likely
7 potential witness in the case that the Government would call.

8 **THE COURT:** Okay. Could you give me more context
9 about the person?

10 **MR. KIBBE:** He also has a gambling relationship.
11 He's a gambler, among other things, and fits into that
12 category.

13 **THE COURT:** Okay. And did you have one more, Mr.
14 Lauro?

15 **MR. LAURO:** 46 is a client.

16 **THE COURT:** 46, Mr. Kibbe?

17 **MR. KIBBE:** Your Honor, 46 will certainly be a
18 witness. This individual is included in the indictment as a
19 recipient of diverted fees and also falls into the gambling
20 category, Your Honor.

21 **THE COURT:** Okay. All right, Mr. Lauro, any other
22 people in number 2?

23 **MR. LAURO:** Yes, Your Honor. One more which is
24 number 4, a long-time friend.

25 **THE COURT:** Number 4, Mr. Kibbe?

1 **MR. KIBBE:** Number 4, again, is another likely
2 witness, Your Honor. This is someone -- this is an individual
3 that Mr. Goldstein has gambled extensively with.

4 **THE COURT:** Okay.

5 **MR. KIBBE:** And included in the indictment, Your
6 Honor.

7 **THE COURT:** All right.

8 Mr. Lauro, anyone else?

9 **MR. LAURO:** No one else, Your Honor. But one other
10 condition that we would like to address.

11 **THE COURT:** Look, let me just resolve this. So I'll
12 move number -- I'll move number 45 because I don't think the
13 Government's proffer was that satisfactory to the Court, so
14 I'll move 45 to category one, but all the other ones remain no
15 contact. Okay? All right.

16 **MR. LAURO:** And Your Honor, just -- I just want to
17 be absolutely clear that there was no suggestion that any
18 material chats were going to be removed or suggested to be
19 removed as someone came across the border. I don't think
20 that's what the Government was suggesting. So I just want to
21 make that clear on the record, but I think --

22 **THE COURT:** Okay.

23 **MR. LAURO:** --that's been sufficiently covered.

24 There's one other -- there's one other matter which is
25 the opening of bank accounts or lines of credit.

1 **THE COURT:** Right.

2 **MR. LAURO:** And currently there's an absolute
3 prohibition on that.

4 **THE COURT:** Based on the conscientious report of
5 Pretrial Services that you've adopted.

6 **MR. LAURO:** The likelihood that once there's an
7 indictment results in debanking from time to time and we want
8 to be able to open up additional bank accounts if that happens
9 or switch bank accounts if that is an occurrence. So rather
10 than have an absolute ban --

11 **THE COURT:** Right. I mean, what I usually say is
12 unless approved by Pretrial in advance. So that's what it's
13 going to say.

14 **MR. LAURO:** I think that would be sufficient for us,
15 yes.

16 **THE COURT:** All right, anything else?

17 **MR. LAURO:** One moment, Your Honor. I think we've
18 covered everything.

19 **THE COURT:** Government, anything else?

20 **MR. KIBBE:** A few things, Your Honor. One is just
21 to get clarity on the Court's ruling with respect to the
22 contact with individuals. The Government's position was it
23 should be limited just to financial transactions and legal
24 work, but wanted to understand the Court's ruling with respect
25 to the personal and social contacts that the defense was

1 requesting.

2 **THE COURT:** Right. Look, we're having a
3 conversation about, like, how many, you know, sledgehammers
4 can fit on the head of a pin. No one is going to be able to
5 control this, right? So there's no monitoring. I mean, the
6 officers aren't going to be like, oh, Mr. Goldstein, you're
7 going to talk to number 6. We're going with you and make sure
8 you're not having this conversation. So it's all trust. So,
9 I mean, I think no case-related conversation for numbers 1
10 through 10 is sufficient.

11 Now what happens in my history of 25 years as a defense
12 lawyer and 13 years as a judge is that 1 to 10 is going to
13 feel some pressure at some point by the Government and going
14 to tell them that they had a case-related conversation with
15 Mr. Goldstein. Then we'll have a hearing and then I'll listen
16 to them. And then more likely than not I'll put Mr. Goldstein
17 in custody.

18 So everybody is on due notice. So you can't -- we can't
19 micromanage this and it's too difficult to say you can talk
20 about this, you can talk about this, but you can't talk about
21 that, but you can talk about this. You can talk about the
22 Commanders, but you can't talk about the spread of the
23 commanders and whether they beat the odds or didn't.

24 So look, 1 to 10, no case-related conversations. 1 to --
25 which is 1 to 67 now, no contact whatsoever with those

1 individuals. Okay?

2 Anything else?

3 **MR. KIBBE:** Understood. Thank you, Your Honor.

4 With respect to travel, just to address the issue there,
5 the Government agrees with Pretrial Services' recommendation
6 to travel to the DMV. We have had conversations with defense
7 counsel and we're open to other locations on the understanding
8 that those were locations where Mr. Goldstein was practicing
9 law. Following the Pretrial Services report it appears that's
10 not --

11 **THE COURT:** He's licensed in DC and where else?

12 **MR. LAURO:** Licensed in Maryland, but inactive and
13 also in the District of Columbia, which is active.

14 **THE COURT:** Okay.

15 **MR. KIBBE:** So without more specifics about the
16 purpose of that travel, the Government would agree with
17 Pretrial recommendations which is that other travel would be
18 approved at the discretion of Pretrial Services.

19 **MR. LAURO:** If I may, Your Honor.

20 **THE COURT:** Yes.

21 **MR. LAURO:** We certainly have no objection to
22 notifying Pretrial Services in advance of any travel outside
23 of the District of Maryland, including those five or six
24 cities. So we would give notice in advance so Pretrial would
25 know exactly where Mr. Goldstein was at all times.

1 **THE COURT:** There's a difference between notice and
2 approval.

3 Okay, anything else?

4 **MR. KIBBE:** One last technical point on the maximum
5 penalties, Your Honor, if I may.

6 **THE COURT:** Yeah.

7 **MR. KIBBE:** There's an Eleventh Circuit case, *United*
8 *States v. Looney*, that's at 2005 Westlaw 2522519 which
9 essentially holds that the fine provisions in 18 U.S.C. 3571
10 can apply to Title 26 offenses. And so if our court were to
11 follow that approach, the maximum fines for Counts 1 through
12 14 would be \$250,000, or twice the amount of the loss.

13 **THE COURT:** Mr. Goldstein, do you understand there's
14 some out-of-circuit case law that they apply if it's adopted
15 by the district judge and the Fourth Circuit that may increase
16 the fine in this case?

17 **THE DEFENDANT:** I now do, Your Honor.

18 **THE COURT:** All right.

19 Mr. Kibbe, anything else?

20 **MR. KIBBE:** That's it, Your Honor. Thank you.

21 **THE COURT:** Officer Contreras, you guys have heard a
22 lot today. What do you think about where we are? Do you see
23 any problems with your original recommendations for conditions
24 of release or anything else that you want to bring to my
25 attention?

1 **OFFICER CONTRERAS:** There's nothing additional, Your
2 Honor.

3 **THE COURT:** All right. Give me one second.

4 Mr. Lauro, do you have Mr. Goldstein's passport with you
5 right now?

6 **MR. LAURO:** I do, Your Honor. I have the current
7 passport and a prior passport which we will be surrendering
8 today.

9 **THE COURT:** Okay, all right. Thank you.

10 So I'm going to impose conditions of release in this
11 case. Please listen carefully. I'm going to put them on the
12 record. They're also reduced to writing and I'll pass them
13 down to you to review with your counsel. You have to sign
14 them as well.

15 Sir, you must not violate any federal, state, or local
16 law while on release. You must live in an address approved by
17 Pretrial and not move from that address. You must appear in
18 court as required and surrender to serve any sentence that may
19 be imposed.

20 I'm placing you as effective immediately under the
21 supervision of Pretrial Services. You must report on a
22 regular basis to the supervising officer. You shall promptly
23 obey all reasonable directions and instructions of the
24 supervising officer.

25 You are to execute an agreement to forfeit upon failing

1 to appear as required the designated property of 100 percent
2 interest signed by all owners of record for -- I'm not going
3 to say it out loud -- for your address in Washington, DC which
4 is listed on the form -- on the conditions of release.

5 You're to post with the Court proof of ownership of the
6 designated property consistent with an order that I'm going to
7 enter order of record agreement to forfeit property which
8 requires you to take an order down to the recorder of deeds
9 and get this recorded among the land records for the District
10 of Columbia.

11 You're to surrender any passport to the clerk's office
12 immediately and prior to any release by the marshals, but if
13 you're going to give it up now that's not an issue. You shall
14 obtain no new passport and/or travel documents. Your travel
15 is restricted to Washington DC metropolitan area without prior
16 Pretrial approval. If you tell Pretrial that you have a
17 legitimate reason to fly to another city, Dallas, for example,
18 I would expect Pretrial to approve that request. But you
19 can't leave the Washington metropolitan area without prior
20 Pretrial approval. You have to tell them why and where you're
21 going and the details and then more likely than not they will
22 agree to that. And if they don't you can bring it to my
23 attention.

24 You are to avoid all contact directly or indirectly with
25 any person who is or may become a victim or potential witness

1 in the investigation or prosecution of this case including,
2 but not limited to the individuals provided by the Government
3 to your counsel in writing today, also as amended today. So
4 moving the one person from the second category to the first
5 category.

6 You are to undergo medical or psychiatric treatment as
7 directed by Pretrial. You are to reframe from possessing a
8 firearm, destructive device, or other dangerous weapons. All
9 firearms that are reflected in the Pretrial Services report
10 must be lawfully removed from your residence within 48 hours
11 and verified by Pretrial. You are to refrain from the
12 excessive use of alcohol. You are to refrain from the use of
13 unlawful possession of any narcotic drug or other controlled
14 substance as defined by any federal law unless prescribed to
15 you by a licensed medical practitioner. You are to submit to
16 testing as determined by Pretrial Services to determine
17 whether you've used a prohibited substance. That testing can
18 be random and in the discretion of Pretrial. Any tampering
19 with the testing is an express violation of these release
20 conditions. You are to participate in a program of impatient
21 or outpatient substance abuse therapy and counseling if
22 Pretrial believes it's appropriate.

23 You are not to open any new bank accounts. You are not
24 to attain any and/or draw on any new lines of credit or any
25 lines of credit. You are not to transfer any funds without

1 prior Pretrial approval. You are not to engage in any type of
2 gambling, including poker, of any kind and by any means
3 including in person or online.

4 You are also ordered to comply with your professional
5 responsibility obligations where you're licensed as an
6 attorney to notify bar counsel and/or clients, if required.
7 If the rules say you don't have to advise anybody, then that's
8 fine with me, but I want to put that out there as well. So if
9 you do have clients, they probably should know and the bar
10 council should know as well, if the rules require it.

11 So I'm going to pass this down to you. I'm also going to
12 pass you down the defendant's appearance bond and agreement to
13 forfeit property. This document is pledging 100 percent
14 interest, all owners of record, for the address in Washington
15 DC. It's going to be signed by both property owners, both by
16 Mr. Goldstein and Ms. Howe. Ms. Howe is not here today.
17 She's not in the country, but she will have to come to the
18 Court within the next 48 hours to -- I won't make her come
19 tomorrow since she's coming from Europe, but for 48 hours to
20 sign off on this agreement to forfeit the property as well.
21 But Mr. Goldstein should sign it today.

22 Mr. Goldstein, can I ask you to stand, please? Sir, did
23 you have an opportunity to review the four-page order setting
24 conditions of release yourself?

25 **THE DEFENDANT:** I did.

1 **THE COURT:** And did you review it with your
2 attorneys?

3 **THE DEFENDANT:** I did.

4 **THE COURT:** And now is your opportunity to have a
5 discussion with me if you don't understand any of these
6 conditions, if you have any questions about what any of these
7 conditions mean. I will tell you that on multiple occasions
8 I've had attorneys who appear in front of me, who have been
9 charged criminally here in this court and sometimes they don't
10 understand it. They're not used to -- they've never been in
11 the system before. They've never been under supervision.
12 They are usually people who are very sophisticated and
13 talented and smart. And I just want to make sure that you
14 understand that these conditions are all mandatory to you.
15 It's not like going to a buffet where you get to pick and
16 choose which ones you want to follow and which ones you don't.
17 If you have a problem with these conditions, your lawyers can
18 file the appropriate motion and we can consider modifying
19 them, have another hearing, do whatever. But right now you
20 must comply with all of these release conditions as set forth
21 in this document.

22 Do you understand that?

23 **THE DEFENDANT:** Absolutely.

24 **THE COURT:** And do you understand that if you don't
25 and Pretrial brings it to my attention, we will have a very

1 fair hearing and then I will more likely than not detain you
2 during the pendency of this case. And you can appeal to Judge
3 Griggsby, and to the Fourth Circuit, and to the Supreme Court
4 if you choose, but this is your one opportunity to comply with
5 these conditions.

6 Do you understand that?

7 **THE DEFENDANT:** Absolutely.

8 **THE COURT:** And on page 4 of this document you
9 understand that it says, "I acknowledge that I'm the defendant
10 in this case. I'm aware of the conditions of release. I
11 promise to obey all conditions of release, to appear as
12 directed, and surrender to serve any sentence imposed and I'm
13 aware of the penalties and sanctions set forth above." And
14 that's your signature; is that correct?

15 **THE DEFENDANT:** It is.

16 **THE COURT:** And on the defendant's agreement to
17 forfeit, you have read this document as well, correct?

18 **THE DEFENDANT:** I have.

19 **THE COURT:** And you understand that if you
20 disappear, non-appear, violate, the Government may have the
21 ability if they see fit to forfeit 100 percent interest by you
22 and your wife of the property on Hawthorne Street. Do you
23 understand that?

24 **THE DEFENDANT:** Yes, as they should.

25 **THE COURT:** And do you understand that if there is a

1 legitimate problem we can always revisit this property and we
2 can look at -- see if there's an alternative same value? And
3 I'm not going to impose a money thing here because the
4 property is worth a lot as it is, and maybe more than \$4
5 million. And given the DC housing market, and I know exactly
6 where Mr. Goldstein lives, that's a pretty wealthy area. So
7 it's just 100 percent interest in the property.

8 So you understand that as well?

9 **THE DEFENDANT:** I do.

10 **THE COURT:** All right. Then the only other -- you
11 can have a seat sir. Thank you.

12 The only other housekeeping issues is I'm going to sign
13 -- two issues. One, order to record agreement to forfeit
14 property. You have to take this order -- somebody has to take
15 this order down to the recorder of deeds downtown, pay the
16 filing fee and have this order placed among the land records
17 with the recorder of deeds in Washington DC to give public
18 notice that the Government has a security interest in your
19 property during this period of time. And that's one.

20 Number two is your wife will have to come to the clerk's
21 office as soon as she's able, within the next 48 hours and see
22 Ms. Diaz, my courtroom deputy, and sign off where indicated on
23 the order to forfeit property.

24 Do you understand that?

25 **THE DEFENDANT:** Yes, Your Honor.

1 **THE COURT:** Okay. All right.

2 Do you have any questions about anything?

3 **THE DEFENDANT:** Do not.

4 **THE COURT:** Mr. Kibbe, anything else?

5 **MR. KIBBE:** No. Thank you, Your Honor.

6 **THE COURT:** Mr. Lauro, anything else?

7 **MR. LAURO:** No.

8 **THE COURT:** All right. Thank you all very much.

9 **(Whereupon the proceeding was concluded at 3:03**

10 **p.m.)**

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1 CERTIFICATE OF OFFICIAL REPORTER
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5 I, Nadine M. Bachmann, Certified Realtime Reporter
6 and Registered Merit Reporter, in and for the United States
7 District Court for the District of Maryland, do hereby
8 certify, pursuant to 28 U.S.C. § 753, that the foregoing is a
9 true and correct transcript of the stenographically-reported
10 proceedings held in the above-entitled matter and that the
11 transcript page format is in conformance with the regulations
12 of the Judicial Conference of the United States.

13

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Dated this 31st day of January, 2025.

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NADINE M. BACHMANN, CRR, RMR
FEDERAL OFFICIAL COURT REPORTER

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32:22, 34:2, 34:5, 48:22, 50:18 appropriately [1] - 28:13 approval [5] - 30:1, 45:2, 47:16, 47:20, 49:1 approve [1] - 47:18 approved [3] - 42:12, 44:18, 46:16 approximate [1] - 24:16 area [7] - 15:2, 17:18, 29:17, 30:1, 47:15, 47:19, 52:6 areas [1] - 24:8 argue [2] - 13:9, 13:24 argued [2] - 13:12, 21:23 argues [1] - 22:8 arguing [1] - 25:2 argument [2] - 25:3, 29:13 ARRAIGNMENT [1] - 1:8 arraignment [7] - 4:13, 4:22, 5:4, 9:11, 10:19, 10:20, 12:6 arrangement [1] - 11:14 arrangements [3] - 2:19, 2:23, 9:19 arrest [2] - 21:8, 25:18 Ashley [2] - 1:24, 4:6 aside [1] - 34:22 aspect [1] - 24:4 aspects [2] - 3:5, 33:4 asserted [1] - 23:11 assessment [6] - 7:24, 8:4, 8:9, 8:14, 20:10, 20:19 asset [2] - 25:5, 25:7 assigned [1] - 11:23 assistant [6] - 2:8, 17:6, 17:8, 17:9, 33:13, 33:23 assisting [1] - 7:4 assume [1] - 14:10 assurance [2] - 16:7, 18:10 assurances [1] - 18:25 assure [2] - 14:13, 28:14 assured [1] - 23:3 assuring [1] - 23:21 Atlanta [1] - 29:18 attain [1] - 48:24 attempt [3] - 14:18, 32:7, 35:11	attempted [1] - 32:24 attention [3] - 45:25, 47:23, 50:25 Attorney [8] - 2:9, 3:4, 7:21, 8:1, 8:6, 8:11, 9:11, 9:14 attorney [6] - 5:20, 9:5, 13:23, 15:12, 34:17, 49:6 ATTORNEY [1] - 1:13 attorneys [7] - 5:9, 32:10, 34:7, 34:14, 50:2, 50:8 attorneys' [2] - 19:25, 28:25 audience [1] - 20:23 Avenue [1] - 1:18 avoid [1] - 47:24 aware [6] - 14:16, 14:22, 15:13, 33:5, 51:10, 51:13	15:4 between [2] - 39:11, 45:1 birthday [2] - 35:8, 37:18 Bitcoin [1] - 33:8 blog [2] - 30:14, 30:15 bond [14] - 12:12, 18:10, 18:14, 19:1, 19:5, 20:13, 23:6, 24:1, 24:16, 25:13, 28:15, 49:12 book [1] - 13:17 border [3] - 33:20, 36:16, 41:19 Brady [1] - 10:7 breaking [1] - 32:15 BREWER,LLC [1] - 1:18 bring [3] - 9:14, 45:24, 47:22 brings [2] - 24:14, 50:25 broad [2] - 31:20, 36:15 bucks [1] - 18:17 buffet [1] - 50:15 Bureau [5] - 7:22, 8:2, 8:7, 8:12, 21:12 business [6] - 29:18, 30:13, 30:16, 30:20, 31:3, 39:18 BY [4] - 1:12, 1:15, 1:17, 1:20	28:18, 28:19, 28:22, 32:23, 35:1, 35:5, 35:10, 35:11, 35:22, 36:1, 36:3, 36:5, 36:12, 37:21, 37:25, 39:24, 40:7, 43:9, 43:14, 43:24, 45:7, 45:14, 45:16, 46:11, 48:1, 51:2, 51:10 case-related [4] - 35:1, 43:9, 43:14, 43:24 cases [4] - 13:9, 13:12, 17:23, 21:23 categories [2] - 31:9, 35:20 category [15] - 31:12, 32:15, 34:6, 34:9, 34:18, 35:12, 35:18, 36:20, 37:13, 38:18, 40:17, 44:21 CERTIFICATE [1] - 54:1 Certified [1] - 54:5 certify [1] - 54:8 challenge [1] - 19:24 chambers [1] - 12:2 changed [3] - 14:11, 21:10, 21:13 charge [1] - 39:22 charged [8] - 7:1, 7:4, 7:7, 7:11, 21:11, 22:12, 22:13, 50:9 charges [11] - 5:1, 6:24, 8:15, 10:10, 10:22, 14:22, 15:23, 18:7, 22:18, 24:22, 30:12 chase [1] - 17:13 chats [6] - 33:18, 33:25, 35:24, 36:2, 36:6, 41:18 Che [1] - 5:16 checking [2] - 16:14, 16:16 children [2] - 15:18, 17:3 China [1] - 38:13 choice [2] - 9:9, 27:18 choose [2] - 50:16, 51:4	CI [1] - 2:12 Cierra [2] - 1:24, 4:8 circuit [1] - 45:14 Circuit [4] - 28:21, 45:7, 45:15, 51:3 cities [4] - 30:16, 30:24, 31:1, 44:24 citizen [1] - 6:4 city [1] - 47:17 clarity [2] - 24:8, 42:21 Class [4] - 7:22, 8:2, 8:7, 8:12 clear [7] - 3:16, 13:4, 29:6, 36:3, 36:13, 41:17, 41:21 clearly [1] - 6:15 clerk's [2] - 47:11, 52:20 client [7] - 21:22, 36:24, 37:23, 38:2, 38:18, 40:15 clients [8] - 35:20, 37:8, 37:9, 38:7, 38:8, 49:6, 49:9 close [1] - 40:3 Code [2] - 7:6, 7:13 coerce [1] - 8:21 cognizant [1] - 15:16 collateral [1] - 27:22 collateralize [1] - 17:17 college [1] - 5:22 Columbia [6] - 3:16, 19:9, 19:23, 22:5, 44:13, 47:10 coming [2] - 33:18, 49:19 Commanders [1] - 43:22 commanders [1] - 43:23 commits [1] - 18:11 community [7] - 14:24, 15:3, 15:5, 15:18, 15:19, 16:10, 17:7 complete [1] - 12:6 completed [2] - 5:22 completely [2] - 28:1, 35:5 complicated [3] - 16:25, 23:12, 28:5 comply [3] - 49:4, 50:20, 51:4 Computer [1] - 1:25 Computer-Aided [1] - 1:25 concentrate [2] - 12:22, 13:11 concern [5] - 21:15

25:22, 34:24, 35:10, 36:14 concerned [2] - 14:6, 34:9 concerns [2] - 24:22, 32:8 concluded [1] - 53:9 condition [2] - 30:10, 41:10 conditions [26] - 3:12, 3:18, 10:18, 12:9, 12:10, 12:18, 14:13, 17:21, 21:15, 26:1, 26:11, 29:25, 32:20, 45:23, 46:10, 47:4, 48:20, 49:24, 50:6, 50:7, 50:14, 50:17, 50:20, 51:5, 51:10, 51:11 conduct [2] - 11:25, 28:20 Conference [1] - 54:12 conference [3] - 11:25, 12:2, 12:5 confidential [4] - 36:2, 36:6, 36:9, 36:10 conformance [1] - 54:11 connections [1] - 15:19 conscientious [2] - 29:24, 42:4 consequences [4] - 14:19, 15:13, 15:23, 36:19 consider [2] - 10:1, 50:18 consistent [2] - 10:15, 47:6 constitutional [2] - 5:2, 8:19 consult [1] - 37:6 contact [18] - 15:11, 26:21, 31:8, 31:10, 31:16, 31:19, 32:16, 32:21, 34:1, 35:1, 35:2, 35:3, 37:14, 38:12, 41:15, 42:22, 43:25, 47:24 contacted [1] - 33:11 contacts [4] - 26:4, 37:11, 37:12, 42:25 contained [4] - 7:14, 7:17, 10:22 contempt [1] - 10:10 context [2] - 37:20, 40:8 CONTRERAS [2] - 4:6, 46:1	Contreras [4] - 1:24, 4:5, 4:7, 45:21 control [1] - 43:5 controlled [1] - 48:13 conversation [5] - 20:4, 43:3, 43:8, 43:9, 43:14 conversations [2] - 43:24, 44:6 convicted [1] - 39:22 conviction [1] - 10:10 copy [1] - 31:23 correct [4] - 5:23, 51:14, 51:17, 54:9 correctly [2] - 23:13, 26:16 cost [2] - 8:8, 28:9 costs [2] - 7:23, 8:3 council [1] - 49:10 counsel [32] - 2:10, 2:19, 2:22, 3:5, 9:2, 9:8, 9:13, 9:15, 9:16, 9:19, 9:24, 10:1, 11:19, 12:14, 14:17, 14:21, 16:5, 16:17, 20:5, 23:11, 23:19, 27:17, 32:9, 37:7, 37:8, 37:9, 37:10, 44:7, 46:13, 48:3, 49:6 counsel's [2] - 2:11, 32:8 counseling [1] - 48:21 counsels' [1] - 16:17 count [7] - 7:20, 7:24, 7:25, 8:4, 8:9, 8:10, 8:14 Count [2] - 7:3, 8:5 countries [2] - 13:19, 26:9 country [1] - 49:17 counts [4] - 7:17, 10:22, 11:8, 23:13 Counts [9] - 7:1, 7:6, 7:11, 7:14, 7:20, 7:25, 8:10, 11:5, 45:11 couple [2] - 21:18, 29:22 course [3] - 9:12, 21:20, 32:23 Court [31] - 4:21, 9:8, 9:25, 11:7, 13:2, 13:10, 13:12, 13:15, 13:21, 14:2, 15:25, 20:8, 20:18, 21:23, 23:1, 23:9, 23:18, 23:21, 24:3, 27:13, 27:16, 27:18, 28:2, 28:12, 30:14, 32:25,	41:13, 47:5, 49:18, 51:3, 54:7 COURT [143] - 1:1, 2:3, 2:15, 2:24, 3:13, 3:19, 3:22, 3:25, 4:3, 4:9, 4:16, 4:19, 5:7, 5:14, 5:17, 5:19, 5:22, 5:25, 6:3, 6:6, 6:10, 6:13, 6:18, 6:22, 7:19, 8:18, 9:1, 9:23, 10:5, 10:15, 11:1, 11:4, 11:7, 11:11, 11:15, 11:21, 11:23, 12:16, 12:19, 13:3, 13:6, 16:12, 17:4, 18:12, 19:8, 19:12, 19:14, 19:17, 19:20, 19:24, 20:21, 21:5, 22:11, 22:17, 22:19, 22:22, 23:23, 24:6, 24:20, 25:16, 26:8, 26:14, 26:19, 26:23, 27:1, 27:4, 27:9, 28:8, 28:17, 28:23, 29:7, 29:10, 29:22, 30:8, 30:18, 30:22, 31:6, 31:22, 31:25, 34:6, 34:19, 34:22, 35:14, 36:6, 36:9, 36:14, 36:21, 36:25, 37:3, 37:23, 38:4, 38:9, 38:15, 38:17, 38:20, 38:23, 38:25, 39:6, 39:10, 39:15, 39:20, 39:23, 39:25, 40:2, 40:5, 40:8, 40:13, 40:16, 40:21, 40:25, 41:4, 41:7, 41:11, 41:22, 42:1, 42:4, 42:11, 42:16, 42:19, 43:2, 44:11, 44:14, 44:20, 45:1, 45:6, 45:13, 45:18, 45:21, 46:3, 46:9, 50:1, 50:4, 50:24, 51:8, 51:16, 51:19, 51:25, 52:10, 53:1, 53:4, 53:6, 53:8, 54:18 court [12] - 4:23, 5:5, 6:23, 9:5, 9:14, 9:16, 10:21, 16:7, 23:19, 45:10, 46:18, 50:9 Court's [4] - 12:15, 22:24, 42:21, 42:24 court-appointed [1] - 9:16 courtroom [1] - 52:22 covered [2] - 41:23, 42:18	create [3] - 29:1, 33:7, 33:9 credit [3] - 41:25, 48:24, 48:25 crimes [1] - 13:23 criminal [6] - 5:2, 13:8, 13:22, 15:13, 28:20, 36:4 Criminal [2] - 2:6, 9:25 criminally [1] - 50:9 critically [1] - 16:4 crossover [1] - 34:16 CRR [1] - 54:18 crypto [1] - 26:6 currency [1] - 26:6 current [3] - 37:9, 38:18, 46:6 custody [5] - 7:21, 8:1, 8:6, 8:11, 43:17 cut [2] - 17:13, 25:22	dad [6] - 19:5, 19:16, 22:25, 23:5, 26:21, 28:16 Dallas [6] - 14:7, 15:8, 29:17, 31:4, 31:5, 47:17 dangerous [1] - 48:8 data [1] - 23:14 Dated [1] - 54:14 dates [1] - 5:3 days [2] - 11:21, 12:4 DC [15] - 1:16, 12:13, 14:7, 15:2, 15:6, 15:8, 23:24, 24:12, 29:16, 44:11, 47:3, 47:15, 49:15, 52:5, 52:17 deadline [1] - 12:3 deal [6] - 15:15, 18:6, 20:16, 22:18, 27:15, 30:14 dealing [1] - 18:8 deals [1] - 17:18 debunking [1] - 42:7 debt [3] - 25:9, 25:11, 32:14 decided [1] - 33:6 decides [1] - 17:20 deeds [3] - 47:8, 52:15, 52:17 defendant [6] - 3:9, 5:2, 10:7, 13:8, 36:15, 51:9 Defendant [2] - 1:6, 5:13 DEFENDANT [31] - 1:17, 4:18, 5:6, 5:16, 5:18, 5:20, 5:24, 6:2, 6:5, 6:9, 6:12, 6:17, 6:21, 7:18, 8:17, 8:25, 9:22, 10:4, 10:25, 11:6, 12:13, 12:21, 13:24, 14:1, 14:22, 15:1, 15:25, 15:28, 16:1, 16:25, 16:28, 17:1, 17:25, 17:28, 18:1, 18:25, 18:28, 19:1, 19:25, 19:28, 20:1, 20:25, 20:28, 21:1, 21:25, 21:28, 22:1, 22:25, 22:28, 23:1, 23:25, 23:28, 24:1, 24:25, 24:28, 25:1, 25:25, 25:28, 26:1, 26:25, 26:28, 27:1, 27:25, 27:28, 28:1, 28:25, 28:28, 29:1, 29:25, 29:28, 30:1, 30:25, 30:28, 31:1, 31:25, 31:28, 32:1, 32:25, 32:28, 33:1, 33:25, 33:28, 34:1, 34:25, 34:28, 35:1, 35:25, 35:28, 36:1, 36:25, 36:28, 37:1, 37:25, 37:28, 38:1, 38:25, 38:28, 39:1, 39:25, 39:28, 40:1, 40:25, 40:28, 41:1, 41:25, 41:28, 42:1, 42:25, 42:28, 43:1, 43:25, 43:28, 44:1, 44:25, 44:28, 45:1, 45:25, 45:28, 46:1, 46:25, 46:28, 47:1, 47:25, 47:28, 48:1, 48:25, 48:28, 49:1, 49:25, 49:28, 50:1, 50:25, 50:28, 51:1, 51:25, 51:28, 52:1, 52:25, 52:28, 53:1, 53:25, 53:28, 54:1, 54:25, 54:28, 55:1, 55:25, 55:28, 56:1, 56:25, 56:28, 57:1, 57:25, 57:28, 58:1, 58:25, 58:28, 59:1, 59:25, 59:28, 60:1, 60:25, 60:28, 61:1, 61:25, 61:28, 62:1, 62:25, 62:28, 63:1, 63:25, 63:28, 64:1, 64:25, 64:28, 65:1, 65:25, 65:28, 66:1, 66:25, 66:28, 67:1, 67:25, 67:28, 68:1, 68:25, 68:28, 69:1, 69:25, 69:28, 70:1, 70:25, 70:28, 71:1, 71:25, 71:28, 72:1, 72:25, 72:28, 73:1, 73:25, 73:28, 74:1, 74:25, 74:28, 75:1, 75:25, 75:28, 76:1, 76:25, 76:28, 77:1, 77:25, 77:28, 78:1, 78:25, 78:28, 79:1, 79:25, 79:28, 80:1, 80:25, 80:28, 81:1, 81:25, 81:28, 82:1, 82:25, 82:28, 83:1, 83:25, 83:28, 84:1, 84:25, 84:28, 85:1, 85:25, 85:28, 86:1, 86:25, 86:28, 87:1, 87:25, 87:28
---	---	--	--	--

<p>11:19, 17:1, 28:10 discretion [2] - 44:18, 48:18 discuss [1] - 5:3 discussed [3] - 12:14, 27:8, 28:22 discussing [1] - 32:9 discussion [2] - 35:5, 50:5 discussions [1] - 11:18 dismissal [1] - 10:9 distinguished [1] - 13:9 DISTRICT [2] - 1:1, 1:1 district [2] - 3:1, 45:15 District [9] - 3:16, 4:21, 19:23, 44:13, 44:23, 47:9, 54:7 diverted [1] - 40:19 Division [1] - 2:11 DIVISION [1] - 1:2 DMV [1] - 44:6 docket [1] - 3:9 document [4] - 49:13, 50:21, 51:8, 51:17 documents [3] - 28:5, 28:6, 47:14 dollar [1] - 8:12 dollars [3] - 13:18, 18:14, 25:9 done [1] - 23:15 doubt [1] - 23:16 down [8] - 3:22, 5:14, 22:4, 46:13, 47:8, 49:11, 49:12, 52:15 downtown [1] - 52:15 drafted [1] - 24:7 draw [2] - 20:5, 48:24 drink [1] - 6:12 drug [1] - 48:13 drugs [2] - 6:7, 6:11 Due [1] - 10:15 due [3] - 9:12, 24:11, 43:18 during [3] - 22:9, 51:2, 52:19</p>	<p>23:14, 28:10 Eleventh [1] - 45:7 employment [2] - 30:13, 31:3 enable [1] - 19:6 endeavor [1] - 9:18 ends [1] - 9:4 engage [2] - 31:13, 49:1 engaged [3] - 14:17, 14:20, 39:18 English [1] - 6:1 ensure [1] - 25:5 enter [10] - 3:2, 3:8, 5:4, 9:7, 9:13, 9:19, 10:16, 10:21, 11:7, 47:7 entered [1] - 9:9 entering [1] - 3:25 entire [2] - 15:2, 37:13 entitled [1] - 54:10 entry [4] - 3:13, 3:22, 4:11, 9:13 equity [1] - 16:2, 19:22, 20:3, 20:6, 20:7, 23:2, 23:19, 24:25, 25:14, 29:3, 29:5 ESQUIRE [4] - 1:12, 1:15, 1:17, 1:20 essentially [1] - 45:9 established [1] - 32:4 Europe [1] - 49:19 evasion [1] - 7:2 event [1] - 9:23 evidence [2] - 10:6, 10:9 exact [1] - 27:2 exactly [4] - 3:11, 16:25, 44:25, 52:5 example [3] - 25:25, 32:13, 47:17 examples [1] - 33:1 exception [3] - 12:11, 34:3, 37:15 excess [1] - 16:15 excessive [1] - 48:12 exchange [1] - 35:25 exclusion [2] - 10:9, 11:13 exculpatory [1] - 10:6 excuse [1] - 29:14 execute [1] - 46:25 exercise [1] - 20:24 existing [1] - 38:7 expand [1] - 31:11 expect [2] - 34:19, 47:18 expects [1] - 16:3</p>	<p>expeditiously [1] - 9:18 expenses [2] - 17:2, 17:5 experience [1] - 16:9 experts [1] - 28:4 express [1] - 48:19 extensive [3] - 14:17, 26:3, 28:3 extensively [1] - 41:3 extent [4] - 25:24, 36:16, 38:10, 39:12 extradition [1] - 38:13 extremely [2] - 16:25, 33:23</p>	<p>filed [1] - 4:23 filings [1] - 52:16 fill [1] - 3:13 finalize [1] - 11:14 finances [1] - 16:20 financial [13] - 3:5, 10:1, 26:6, 31:10, 32:12, 32:18, 34:3, 34:7, 34:17, 34:18, 35:6, 37:16, 42:23 financially [1] - 23:4 fine [9] - 7:23, 8:2, 8:8, 8:12, 11:15, 30:2, 45:9, 45:16, 49:8 fines [1] - 45:11 firearm [1] - 48:8 firearms [1] - 48:9 firm [4] - 15:4, 33:3, 33:4, 33:5 firms [1] - 34:14 first [9] - 8:20, 9:5, 12:16, 24:15, 31:12, 32:15, 34:6, 35:18, 48:4 fit [2] - 43:4, 51:21 fits [1] - 40:11 five [4] - 7:20, 8:13, 36:19, 44:23 FL [1] - 1:21 flanking [1] - 5:9 flee [4] - 14:18, 15:9, 15:21, 18:6 flight [10] - 13:14, 14:2, 14:4, 14:6, 15:20, 16:11, 20:15, 21:16, 25:23, 27:2 Floor [1] - 1:21 fly [1] - 47:17 focus [2] - 14:3, 14:12 follow [2] - 45:11, 50:16 following [1] - 44:9 follows [1] - 7:20 FOR [3] - 1:1, 1:12, 1:17 force [1] - 8:21 foregoing [1] - 54:8 forfeit [9] - 27:5, 46:25, 47:7, 49:13, 49:20, 51:17, 51:21, 52:13, 52:23 forfeitable [1] - 24:24 forfeited [1] - 17:22 forfeiture [1] - 7:13 forget [2] - 4:4, 20:1 forgetting [1] - 4:5 form [3] - 3:14, 33:16, 47:4 formal [2] - 10:21, 11:7</p>	<p>format [1] - 54:11 former [4] - 34:13, 35:20, 37:8, 37:23 forth [4] - 27:3, 28:11, 50:20, 51:13 forward [2] - 2:23, 3:17 foul [1] - 17:19 four [2] - 26:25, 49:23 four-page [1] - 49:23 Fourth [2] - 45:15, 51:3 France [2] - 21:18, 38:13 fraud [1] - 7:14 fraudulent [1] - 7:5 free [4] - 5:8, 5:11, 19:7, 29:5 French [1] - 38:14 friend [4] - 39:17, 40:3, 40:4, 40:24 friends [3] - 34:23, 35:20, 36:18 front [2] - 13:8, 50:8 full [3] - 5:15, 9:13, 16:25 fully [2] - 9:20, 17:16 fundamentally [1] - 20:9 funds [1] - 48:25 furnished [1] - 31:18 future [2] - 5:3, 39:18</p>
<p>E</p> <p>EARLY [1] - 1:18 easier [1] - 31:21 economic [1] - 13:25 effect [2] - 6:15, 10:16 effective [1] - 46:20 effort [3] - 20:15, 32:14, 33:6 either [3] - 2:25, 9:12, 35:15 electronic [3] - 17:1,</p>	<p>felony [3] - 7:22, 8:2, 8:12 few [1] - 42:20 Fifth [2] - 8:20, 8:23 fight [1] - 13:6 fighting [1] - 38:13 figure [3] - 9:15, 17:11, 21:25 file [1] - 50:18</p>	<p>filing [1] - 52:16 fill [1] - 3:13 finalize [1] - 11:14 finances [1] - 16:20 financial [13] - 3:5, 10:1, 26:6, 31:10, 32:12, 32:18, 34:3, 34:7, 34:17, 34:18, 35:6, 37:16, 42:23 financially [1] - 23:4 fine [9] - 7:23, 8:2, 8:8, 8:12, 11:15, 30:2, 45:9, 45:16, 49:8 fines [1] - 45:11 firearm [1] - 48:8 firearms [1] - 48:9 firm [4] - 15:4, 33:3, 33:4, 33:5 firms [1] - 34:14 first [9] - 8:20, 9:5, 12:16, 24:15, 31:12, 32:15, 34:6, 35:18, 48:4 fit [2] - 43:4, 51:21 fits [1] - 40:11 five [4] - 7:20, 8:13, 36:19, 44:23 FL [1] - 1:21 flanking [1] - 5:9 flee [4] - 14:18, 15:9, 15:21, 18:6 flight [10] - 13:14, 14:2, 14:4, 14:6, 15:20, 16:11, 20:15, 21:16, 25:23, 27:2 Floor [1] - 1:21 fly [1] - 47:17 focus [2] - 14:3, 14:12 follow [2] - 45:11, 50:16 following [1] - 44:9 follows [1] - 7:20 FOR [3] - 1:1, 1:12, 1:17 force [1] - 8:21 foregoing [1] - 54:8 forfeit [9] - 27:5, 46:25, 47:7, 49:13, 49:20, 51:17, 51:21, 52:13, 52:23 forfeitable [1] - 24:24 forfeited [1] - 17:22 forfeiture [1] - 7:13 forget [2] - 4:4, 20:1 forgetting [1] - 4:5 form [3] - 3:14, 33:16, 47:4 formal [2] - 10:21, 11:7</p>	<p>gallery [1] - 2:12 gambled [1] - 41:3 gambler [1] - 40:11 gambling [5] - 38:12, 39:22, 40:10, 40:19, 49:2 gambling-related [1] - 39:22 gargantuan [1] - 23:16 General [4] - 7:21, 8:1, 8:6, 8:11 general [2] - 34:1, 34:3 generally [2] - 34:11, 37:20 Germany [1] - 21:19 giant [1] - 22:4 given [2] - 11:24, 52:5 gleaned [1] - 33:24 Goldstein [61] - 2:6, 2:17, 2:22, 4:17, 5:16, 7:16, 10:20, 11:4, 11:8, 13:7, 13:22, 14:15, 14:23</p>	

<p>16:3, 16:8, 17:17, 17:20, 18:4, 18:25, 19:7, 20:15, 21:13, 22:1, 22:10, 23:10, 23:17, 25:8, 25:19, 25:20, 25:23, 26:3, 28:13, 28:24, 29:19, 32:11, 32:24, 33:5, 33:8, 33:17, 33:24, 34:7, 34:13, 34:15, 34:25, 35:25, 37:17, 37:22, 37:24, 38:4, 39:19, 41:3, 43:6, 43:15, 43:16, 44:8, 44:25, 45:13, 49:16, 49:21, 49:22, 52:6</p> <p>GOLDSTEIN [1] - 1:5 goldstein [1] - 5:17 Goldstein's [10] - 12:13, 13:1, 19:5, 19:15, 19:22, 25:6, 26:12, 27:17, 33:14, 46:4</p> <p>Government [47] - 2:4, 2:11, 11:17, 12:7, 12:8, 12:10, 12:11, 14:18, 14:20, 18:15, 18:19, 24:9, 24:10, 24:15, 24:21, 25:15, 25:18, 27:19, 28:6, 28:23, 28:24, 31:9, 31:18, 32:19, 32:24, 33:7, 33:11, 33:16, 33:19, 33:21, 34:4, 34:19, 35:19, 37:12, 37:15, 37:19, 38:14, 39:1, 40:7, 41:20, 42:19, 43:13, 44:5, 44:16, 48:2, 51:20, 52:18</p> <p>Government's [9] - 10:12, 23:24, 23:25, 24:18, 25:10, 25:22, 34:24, 41:13, 42:22</p> <p>grand [3] - 4:23, 6:19, 25:17</p> <p>grant [1] - 27:13</p> <p>granted [1] - 22:15</p> <p>Greenbelt [2] - 1:10, 1:14</p> <p>Griggsby [6] - 11:23, 11:24, 11:25, 12:5, 29:1, 51:3</p> <p>guarantee [1] - 22:3</p> <p>guilty [4] - 5:5, 10:21, 11:6, 11:8</p> <p>guys [1] - 45:21</p>	<p>H</p> <p>hack [1] - 21:24</p> <p>half [1] - 34:13</p> <p>hand [2] - 5:12, 5:14</p> <p>happy [5] - 3:7, 12:14, 35:8, 35:18, 37:18</p> <p>harm [1] - 17:19</p> <p>Harvey [1] - 2:13</p> <p>Hawthorne [3] - 17:14, 27:6, 51:22</p> <p>head [1] - 43:4</p> <p>hear [2] - 12:16, 29:12</p> <p>heard [2] - 26:9, 45:21</p> <p>Hearing [3] - 3:4, 9:12, 9:14</p> <p>hearing [3] - 43:15, 50:19, 51:1</p> <p>held [1] - 54:10</p> <p>help [1] - 21:16</p> <p>hereby [1] - 54:7</p> <p>Hi [1] - 4:5</p> <p>high [2] - 19:25, 28:10</p> <p>hire [4] - 9:6, 17:12, 28:19</p> <p>historical [2] - 21:17, 32:17</p> <p>historically [1] - 31:1</p> <p>history [4] - 13:22, 14:23, 25:7, 43:11</p> <p>holds [1] - 45:9</p> <p>home [10] - 15:8, 16:3, 17:24, 19:21, 24:12, 25:6, 25:13, 25:14, 26:22, 31:4</p> <p>homeless [1] - 18:1</p> <p>Hong [2] - 14:7, 17:20</p> <p>Honor [76] - 2:8, 2:16, 3:11, 4:6, 4:15, 4:18, 5:6, 11:3, 11:6, 11:10, 11:18, 11:22, 12:8, 12:17, 12:24, 14:15, 15:17, 16:8, 16:24, 18:22, 19:4, 19:11, 19:13, 22:7, 22:24, 23:3, 23:12, 23:25, 25:3, 25:4, 25:24, 26:10, 26:17, 28:1, 29:2, 29:4, 29:9, 29:11, 29:12, 29:16, 30:9, 31:21, 31:24, 32:3, 33:11, 34:12, 34:21, 35:16, 36:17, 37:2, 37:5, 38:1, 38:2, 38:10, 38:24, 39:21, 40:6, 40:17, 40:20, 40:23, 41:2, 41:6, 41:9, 41:16, 42:17, 42:20, 44:3, 44:19, 45:5,</p>	<p>45:17, 45:20, 46:2, 46:6, 52:25, 53:5</p> <p>HONORABLE [1] - 1:8</p> <p>hoping [2] - 22:11, 22:12</p> <p>hours [9] - 6:10, 22:25, 26:24, 28:4, 48:10, 49:18, 49:19, 52:21</p> <p>house [17] - 16:2, 16:6, 16:16, 17:22, 18:24, 19:7, 19:21, 19:22, 20:3, 20:6, 20:7, 22:3, 23:5, 23:22, 28:25, 29:3</p> <p>housekeeping [1] - 52:12</p>	<p>49:2, 49:3</p> <p>increase [2] - 16:6, 45:15</p> <p>independent [1] - 20:24</p> <p>indicate [1] - 18:5</p> <p>indicated [1] - 52:22</p> <p>indication [3] - 15:9, 15:19, 15:21</p> <p>indicted [5] - 21:6, 22:14, 22:15, 25:17</p> <p>Indictment [15] - 4:23, 6:19, 7:17, 10:23, 11:2, 11:5, 13:16, 24:7, 24:13, 25:8, 32:5, 32:13, 33:4, 39:3, 39:4</p> <p>indictment [4] - 21:8, 40:18, 41:5, 42:7</p> <p>indirectly [1] - 47:24</p> <p>individual [7] - 33:7, 33:10, 38:12, 39:2, 39:21, 40:18, 41:2</p>	<p>interviewed [1] - 33:12</p> <p>investigation [8] - 14:10, 21:7, 21:11, 22:9, 32:6, 33:2, 33:19, 48:1</p> <p>involved [2] - 17:1, 26:3</p> <p>IRS [2] - 2:12, 18:16</p> <p>issue [13] - 14:1, 16:1, 16:2, 23:9, 24:17, 27:11, 29:1, 29:3, 29:15, 30:11, 31:7, 44:4, 47:13</p> <p>issued [1] - 21:8</p> <p>issues [7] - 15:15, 16:9, 18:8, 30:15, 33:6, 52:12, 52:13</p> <p>Ivy [1] - 1:13</p>
		<p>I</p> <p>idea [2] - 14:11, 37:16</p> <p>ideal [1] - 29:25</p> <p>ideas [1] - 12:21</p> <p>identified [3] - 22:21, 31:17, 35:19</p> <p>identify [1] - 35:18</p> <p>illegally [1] - 25:1</p> <p>immediately [2] - 46:20, 47:12</p> <p>impatient [1] - 48:20</p> <p>importance [1] - 17:24</p> <p>important [9] - 5:1, 8:18, 9:1, 15:15, 15:17, 16:4, 18:7, 20:17, 33:23</p> <p>impose [3] - 18:14, 46:10, 52:3</p> <p>imposed [2] - 46:19, 51:12</p> <p>imposes [1] - 13:25</p> <p>imprisonment [1] - 21:12</p> <p>IN [1] - 1:1</p> <p>inactive [1] - 44:12</p> <p>inappropriate [2] - 37:20</p> <p>incapable [1] - 9:24</p> <p>inclination [2] - 15:9, 18:6</p> <p>include [4] - 29:16, 31:12, 31:15, 35:13</p> <p>included [5] - 32:13, 32:20, 33:3, 40:18, 41:5</p> <p>includes [1] - 32:6</p> <p>including [6] - 10:8, 39:4, 44:23, 48:1,</p>	<p>influence [5] - 6:6, 6:14, 32:25, 35:11, 37:22</p> <p>information [4] - 11:24, 23:1, 23:15, 33:24</p> <p>INITIAL [1] - 1:8</p> <p>initial [8] - 2:7, 3:3, 4:12, 4:22, 4:25, 9:3, 9:10, 14:8</p> <p>inquire [3] - 19:11, 19:15, 22:25</p> <p>Inquiry [3] - 3:4, 9:11, 9:14</p> <p>instances [1] - 32:23</p> <p>instructions [3] - 10:9, 12:3, 46:23</p> <p>intended [1] - 14:4</p> <p>interaction [2] - 35:7, 35:13</p> <p>interest [6] - 17:16, 47:2, 49:14, 51:21, 52:7, 52:18</p> <p>interfere [1] - 6:8</p> <p>interference [1] - 36:4</p> <p>international [3] - 15:24, 21:17, 26:4</p> <p>interrupt [1] - 24:21</p> <p>interrupted [1] - 24:20</p> <p>interview [1] - 20:20</p>	<p>January [4] - 1:9, 4:24, 6:20, 54:14</p> <p>Japan [1] - 17:20</p> <p>jeopardy [1] - 23:4</p> <p>John [1] - 2:16</p> <p>JOHN [1] - 1:20</p> <p>joined [2] - 2:9, 4:7</p> <p>Joseph [1] - 2:13</p> <p>Judge [7] - 11:23, 11:24, 11:25, 12:5, 18:3, 29:1, 51:2</p> <p>judge [2] - 43:12, 45:15</p> <p>JUDGE [1] - 1:9</p> <p>judges [1] - 4:20</p> <p>Judicial [1] - 54:12</p> <p>jurisdiction [1] - 20:16</p> <p>jury [5] - 4:23, 6:19, 10:9, 11:9, 25:17</p> <p>Justice [2] - 2:10, 9:25</p> <p>justice [2] - 15:13, 36:4</p>

<p>44:15, 45:4, 45:7, 45:20, 53:5 Kibbe [10] - 2:9, 10:12, 23:23, 32:1, 37:1, 39:20, 40:16, 40:25, 45:19, 53:4 kind [9] - 14:3, 16:6, 18:1, 19:2, 20:11, 23:4, 25:22, 34:25, 49:2 kinds [1] - 18:18 knowing [2] - 21:6 knowledge [1] - 27:4 known [1] - 31:15 Kong [2] - 14:7, 17:20</p>	<p>46:16, 48:14 lawfully [1] - 48:10 lawyer [5] - 15:15, 27:12, 30:8, 30:12, 43:12 lawyers [6] - 3:2, 6:3, 16:22, 22:12, 28:19, 50:17 least [1] - 16:21 leave [4] - 18:19, 20:15, 20:16, 47:19 legal [9] - 16:4, 31:11, 32:16, 32:17, 34:3, 35:6, 37:15, 37:23, 42:23 legally [1] - 24:24 legitimate [3] - 28:11, 47:17, 52:1 LERCH [1] - 1:18 less [3] - 19:13, 25:14, 39:12 level [2] - 15:12, 31:14 liabilities [1] - 18:18 licensed [4] - 44:11, 44:12, 48:15, 49:5 lien [8] - 16:6, 18:24, 19:3, 19:4, 20:11, 23:22, 27:14 lieu [1] - 19:4 life [1] - 15:2 light [2] - 13:1, 28:10 likelihood [1] - 42:6 likely [7] - 2:21, 30:19, 40:6, 41:1, 43:16, 47:21, 51:1 likewise [1] - 4:2 limited [5] - 4:12, 9:10, 42:23, 48:2 line [4] - 6:22, 6:23, 38:11 lines [3] - 41:25, 48:24, 48:25 list [9] - 31:18, 31:19, 32:1, 32:2, 32:3, 32:7, 32:10, 33:12, 34:16 listed [1] - 47:4 listen [2] - 43:15, 46:11 litigation [2] - 2:9, 28:9 live [2] - 15:6, 46:16 lives [3] - 14:7, 15:7, 52:6 living [2] - 13:20, 30:6 LKG-25-6 [1] - 2:7 loan [1] - 7:12 local [2] - 2:22, 46:15 located [1] - 30:17 locations [4] - 29:20,</p>	<p>30:19, 44:7, 44:8 long-term [3] - 15:19, 31:14, 35:20 long-time [3] - 39:17, 40:3, 40:24 look [14] - 4:5, 12:19, 13:3, 16:13, 17:4, 21:6, 21:17, 23:15, 27:9, 30:24, 41:11, 43:2, 43:24, 52:2 looking [1] - 21:5 Looney [1] - 45:8 Los [1] - 29:17 loss [2] - 24:9, 45:12 loud [2] - 16:13, 47:3 love [1] - 17:7 loved [1] - 18:1 lunch [2] - 35:9, 37:19</p>	<p>Mechanical [1] - 1:25 mechanisms [1] - 27:13 medical [2] - 48:6, 48:15 medication [1] - 6:7 meet [2] - 30:20, 31:2 meets [1] - 14:8 member [4] - 3:16, 15:3, 15:4, 39:13 mention [1] - 35:23 mentioned [2] - 22:8, 25:4 Merit [1] - 54:6 message [1] - 35:25 messages [2] - 33:16, 33:17 met [1] - 3:5 metropolitan [5] - 15:1, 29:17, 30:1, 47:15, 47:19 Miami [1] - 29:18 micromanage [1] - 43:19 might [1] - 35:10 million [12] - 8:12, 12:12, 18:17, 19:12, 22:6, 24:1, 24:5, 24:11, 24:12, 24:14, 24:16, 52:5 millions [5] - 13:18, 18:13, 25:9 minutes [1] - 29:22 misdemeanor [1] - 8:7 mislead [1] - 20:8 missing [1] - 18:21 misstatement [2] - 7:15 model [1] - 24:8 modifying [1] - 50:18 moment [1] - 42:17 Monday [1] - 1:9 money [13] - 9:6, 16:15, 16:17, 17:12, 20:5, 24:17, 26:2, 26:8, 28:19, 32:14, 39:4, 52:3 massive [1] - 28:7 material [1] - 41:18 matter [4] - 14:16, 14:19, 41:24, 54:10 matters [2] - 14:25, 35:9 maximum [5] - 6:24, 7:19, 8:16, 45:4, 45:11 mean [11] - 12:19, 13:7, 21:20, 22:23, 28:23, 30:2, 30:22, 42:11, 43:5, 43:9, 50:7 meaningfully [1] - 25:5 means [3] - 21:21, 26:5, 49:2 meant [1] - 29:12</p>	<p>moves [1] - 13:10 moving [1] - 48:4 MR [109] - 2:5, 2:16, 3:11, 3:15, 3:21, 3:24, 4:2, 4:15, 10:14, 11:3, 11:10, 11:12, 11:18, 11:22, 12:8, 12:17, 12:24, 13:5, 14:15, 16:24, 18:3, 18:22, 19:10, 19:13, 19:15, 19:18, 19:21, 20:7, 21:4, 22:7, 22:15, 22:18, 22:20, 22:23, 23:25, 24:10, 25:3, 25:24, 26:10, 26:17, 26:20, 26:24, 27:2, 27:7, 28:1, 28:9, 28:21, 29:2, 29:9, 29:11, 30:6, 30:9, 30:19, 31:1, 31:7, 31:24, 32:3, 34:12, 34:21, 35:3, 35:16, 36:8, 36:11, 36:17, 36:22, 37:2, 37:5, 37:25, 38:2, 38:6, 38:10, 38:16, 38:18, 38:22, 38:24, 39:1, 39:8, 39:11, 39:17, 39:21, 39:24, 40:1, 40:3, 40:6, 40:10, 40:15, 40:17, 40:23, 41:1, 41:5, 41:9, 41:16, 41:23, 42:2, 42:6, 42:14, 42:17, 42:20, 44:3, 44:12, 44:15, 44:19, 44:21, 45:4, 45:7, 45:20, 46:6, 53:5, 53:7 MS [1] - 4:6 multiple [1] - 50:7 must [6] - 46:15, 46:16, 46:17, 46:21, 48:10, 50:20</p>
<p>N.E [1] - 1:15 Nadine [1] - 54:5 NADINE [1] - 54:18 name [3] - 4:19, 5:15, 39:2 named [1] - 39:2 names [5] - 34:10, 34:16, 36:23, 37:3, 38:23 naming [2] - 34:10, 38:23 nanny [1] - 17:6 narcotic [1] - 48:13</p>				<p>N</p> <p>N.E [1] - 1:15 Nadine [1] - 54:5 NADINE [1] - 54:18 name [3] - 4:19, 5:15, 39:2 named [1] - 39:2 names [5] - 34:10, 34:16, 36:23, 37:3, 38:23 naming [2] - 34:10, 38:23 nanny [1] - 17:6 narcotic [1] - 48:13</p>

<p>nature [5] - 5:1, 6:24, 7:16, 8:15, 36:11 Nebbia [3] - 28:18, 28:20, 29:4 necessary [4] - 11:13, 13:1, 16:7, 17:2 need [7] - 17:8, 18:10, 20:10, 28:2, 28:6, 28:11, 30:4 needle [1] - 13:10 needs [4] - 18:24, 23:14, 27:11, 32:17 negotiations [1] - 14:17 never [5] - 26:9, 27:10, 36:1, 50:10, 50:11 new [5] - 9:13, 38:6, 47:14, 48:23, 48:24 New [2] - 29:17, 39:22 next [7] - 19:19, 22:25, 38:15, 39:16, 40:2, 49:18, 52:21 no-contact [1] - 31:8 non [1] - 51:20 non-appear [1] - 51:20 none [1] - 6:17 normal [1] - 21:25 northwest [1] - 22:6 note [1] - 38:12 nothing [4] - 20:14, 22:21, 36:2, 46:1 notice [5] - 2:19, 43:18, 44:24, 45:1, 52:18 notify [2] - 29:21, 49:6 notifying [1] - 44:22 November [1] - 21:18 Number [1] - 2:6 NUMBER [1] - 1:4 number [15] - 11:21, 34:10, 36:23, 38:3, 39:2, 40:3, 40:5, 40:22, 40:24, 40:25, 41:1, 41:12, 43:7, 52:20 numbers [6] - 16:13, 16:14, 16:18, 36:21, 36:22, 43:9 numerous [1] - 33:12</p>	<p>obligations [3] - 10:13, 15:14, 49:5 observed [1] - 23:12 obtain [1] - 47:14 obtained [5] - 24:13, 24:23, 25:1, 25:18 obviously [2] - 18:3, 27:16 occasions [1] - 50:7 occur [1] - 27:14 occurrence [1] - 42:9 odds [1] - 43:23 OF [5] - 1:1, 1:3, 1:8, 1:13, 54:1 offenses [1] - 45:10 offered [2] - 33:8 Office [1] - 1:23 office [2] - 47:11, 52:21 OFFICE [1] - 1:13 officer [3] - 45:21, 46:22, 46:24 Officer [1] - 4:8 OFFICER [1] - 46:1 officer's [1] - 20:19 officers [2] - 23:18, 43:6 OFFICIAL [2] - 54:1, 54:18 Okula [1] - 2:10 OKULA [1] - 1:15 old [1] - 5:17 once [3] - 22:15, 30:17, 42:6 one [39] - 4:19, 5:8, 8:3, 8:5, 8:8, 8:21, 12:11, 12:18, 13:24, 14:5, 21:5, 25:10, 28:14, 31:10, 33:13, 36:19, 36:20, 36:25, 38:15, 39:13, 40:2, 40:13, 40:23, 41:9, 41:14, 41:24, 42:17, 42:20, 43:4, 45:4, 46:3, 48:4, 51:4, 52:13, 52:19 ones [6] - 12:19, 12:23, 18:1, 41:14, 50:16 ongoing [2] - 32:12, 38:3 online [2] - 30:23, 49:3 open [4] - 6:23, 42:8, 44:7, 48:23 opening [1] - 41:25 objection [2] - 11:12, 44:21 objections [1] - 12:14 objects [1] - 27:19</p>	<p>6:18, 10:21, 49:23, 50:4, 51:4 opposite [1] - 15:10 option [1] - 19:4 order [11] - 10:16, 27:13, 47:6, 47:7, 47:8, 49:23, 52:13, 52:14, 52:15, 52:16, 52:23 ordered [2] - 10:6, 49:4 ordinarily [1] - 35:7 original [1] - 45:23 otherwise [2] - 33:9, 34:4 out-of-circuit [1] - 45:14 outpatient [1] - 48:21 outside [2] - 34:14, 44:22 overly [1] - 31:20 overt [1] - 33:2 overwhelmingly [1] - 18:9 owes [4] - 18:12, 18:13, 18:16, 32:13 owing [1] - 24:11 own [6] - 9:6, 12:21, 13:15, 20:24 owners [3] - 47:2, 49:14, 49:15 ownership [1] - 47:5</p>	<p>paying [2] - 13:25, 25:8 payment [1] - 16:3 penalties [5] - 6:25, 7:19, 8:16, 45:5, 51:13 pendency [2] - 22:9, 51:2 people [21] - 17:25, 18:13, 21:21, 21:22, 21:25, 28:19, 30:25, 31:14, 31:19, 32:10, 32:12, 34:7, 34:9, 34:11, 35:1, 35:17, 37:9, 38:25, 39:7, 40:22, 50:12 per [4] - 7:24, 8:4, 8:9, 8:14 percent [5] - 17:16, 47:1, 49:13, 51:21, 52:7 perfectly [1] - 13:4 period [2] - 26:21, 52:19 permissible [1] - 37:14 permission [1] - 22:25 permitted [2] - 31:13, 35:4 person [5] - 39:7, 40:9, 47:25, 48:4, 49:3 personal [20] - 16:14, 17:6, 17:8, 18:25, 20:12, 23:6, 31:13, 31:16, 33:13, 33:15, 33:22, 33:23, 34:23, 35:7, 35:13, 36:2, 36:11, 37:11, 42:25 personally [1] - 18:11 phone [2] - 33:20, 37:18 pick [1] - 50:15 piece [1] - 22:4 pin [1] - 43:4 placed [1] - 52:16 places [3] - 13:19, 30:5 placing [1] - 46:20 Plaintiff [1] - 1:3 PLAINTIFF [1] - 1:12 plan [3] - 4:13, 27:2, 30:23 plant [1] - 4:1 play [1] - 35:21 playing [5] - 13:18, 30:2, 30:3, 30:8, 30:10 plea [4] - 5:5, 10:21, 11:4, 11:7</p>	<p>pledging [1] - 49:13 plus [3] - 7:23, 8:2, 8:8 point [6] - 5:7, 11:16, 22:8, 43:13, 45:4 pointed [1] - 32:9 poker [6] - 13:18, 30:3, 30:8, 30:10, 38:25, 49:2 position [2] - 18:4, 42:22 possessing [1] - 48:7 possession [1] - 48:13 possible [4] - 6:24, 7:19, 8:16, 9:18 possibly [1] - 34:16 post [2] - 17:15, 47:5 posting [1] - 12:25 potential [6] - 14:22, 21:12, 31:2, 32:4, 40:7, 47:25 potted [1] - 4:1 practice [1] - 32:22 practiced [1] - 15:4 practicing [3] - 30:4, 38:5, 44:8 practitioner [1] - 48:15 praises [1] - 29:23 preparation [1] - 7:4 prepared [4] - 2:23, 3:17, 11:20, 22:18 preposterous [1] - 18:12 prescribed [1] - 48:14 present [2] - 16:7, 38:2 Present [1] - 1:22 presented [1] - 25:18 pressure [1] - 43:13 presumes [1] - 20:12 Pretrial [33] - 1:23, 4:4, 4:7, 12:10, 16:13, 20:22, 29:10, 29:21, 29:24, 32:2, 32:20, 42:5, 42:12, 44:5, 44:9, 44:17, 44:18, 44:22, 44:24, 46:17, 46:21, 47:16, 47:18, 47:20, 48:7, 48:9, 48:11, 48:16, 48:18, 48:22, 49:1, 50:25 pretrial [10] - 12:3, 13:16, 15:6, 15:20, 17:12, 18:23, 19:2, 20:9, 20:10, 20:19 pretty [3] - 14:5, 32:1, 52:6 previously [1] - 32:11</p>
<p>O</p> <p>O'Cardi [1] - 2:12 obey [2] - 46:23, 51:11 object [1] - 28:24 objection [2] - 11:12, 44:21 objections [1] - 12:14 objects [1] - 27:19</p>	<p>open [4] - 6:23, 42:8, 44:7, 48:23 opening [1] - 41:25 opportunities [4] - 30:13, 30:16, 30:20, 31:3 objection [1] - 12:14 objects [1] - 27:19</p>	<p>open [4] - 6:23, 42:8, 44:7, 48:23 opening [1] - 41:25 opportunities [4] - 30:13, 30:16, 30:20, 31:3 opportunity [6] - 5:4,</p>		

primary [2] - 27:11, 27:22	prosecution [5] - 7:23, 8:3, 8:8, 10:11, 48:1	14:13, 18:10, 21:15, 46:23	34:18, 40:10	respectfully [1] - 23:17
priorities [1] - 17:9	prosecutor [1] - 35:24	reasonably [2] - 14:13, 28:14	relationships [1] - 37:12	responding [1] - 25:8
Prisons [5] - 7:22, 8:2, 8:7, 8:12, 21:12	Protections [1] - 10:16	reasons [1] - 26:10	relatively [1] - 33:14	response [1] - 34:23
private [2] - 26:5, 32:14	protections [1] - 28:14	recent [1] - 21:17	release [23] - 5:3,	responsibility [1] - 49:5
Probation [1] - 4:7	protective [1] - 3:20	recently [2] - 33:11, 33:14	7:24, 8:3, 8:9, 8:13, 10:18, 12:7, 12:9, 16:19, 17:19, 17:21, 20:12, 26:1, 45:24, 46:10, 46:16, 47:4, 47:12, 48:19, 49:24, 50:20, 51:10, 51:11	responsible [1] - 33:4
problem [5] - 4:16, 23:10, 27:21, 50:17, 52:1	provide [4] - 12:2, 15:24, 31:2, 31:22	recognizance [3] - 19:1, 20:13, 23:6	remain [3] - 8:20, 8:23, 41:14	responsive [1] - 32:7
problematic [1] - 12:23	provided [3] - 31:9, 31:21, 48:2	recognizes [1] - 35:25	removed [3] - 41:18, 41:19, 48:10	restricted [1] - 47:15
problems [2] - 20:17, 45:23	provision [1] - 31:8	recommend [1] - 29:25	report [14] - 13:16, 15:6, 15:20, 16:14, 17:12, 18:23, 19:2, 20:9, 29:24, 32:21, 42:4, 44:9, 46:21, 48:9	restriction [1] - 16:6
proceed [2] - 3:7, 10:19	provisions [1] - 45:9	recommendation [2] - 21:1, 44:5	reported [2] - 18:18, 54:9	result [2] - 10:8, 35:12
proceeding [1] - 53:9	prudent [1] - 14:12	recommendations [2] - 44:17, 45:23	REPORTER [2] - 54:1, 54:18	results [1] - 42:7
PROCEEDINGS [1] - 1:8	psychiatric [1] - 48:6	record [1] - 20:14, 22:21, 22:22, 22:23, 32:4, 41:21, 46:12, 47:2, 47:7, 49:14, 52:13	Reporter [2] - 54:5, 54:6	retain [6] - 9:15, 9:18, 16:5, 16:17, 20:5, 27:17
proceedings [4] - 6:8, 9:3, 10:10, 54:10	public [1] - 52:17	recording [1] - 47:9	represent [1] - 9:16	retained [3] - 3:5, 9:8, 9:13
Proceedings [1] - 1:25	pun [1] - 14:4	recorder [3] - 47:8, 52:15, 52:17	represented [1] - 9:2	retainer [1] - 16:21
Process [1] - 10:15	purpose [3] - 2:7, 22:2, 44:16	records [2] - 47:9, 52:16	representing [2] - 9:17, 23:18	returned [1] - 6:19
process [1] - 36:4	purposes [2] - 23:20, 37:11	reduced [1] - 46:12	request [2] - 29:16, 47:18	returning [1] - 26:23
prodigy [1] - 10:7	pursuant [2] - 10:7, 54:8	reference [1] - 39:3	requesting [1] - 43:1	returns [1] - 7:5
produce [1] - 10:6	put [13] - 4:12, 5:14, 14:4, 14:5, 17:13, 18:3, 21:14, 23:3, 27:14, 43:16, 46:11, 49:8	refinance [2] - 20:1, 27:14	requests [1] - 32:8	review [5] - 6:18, 8:19, 46:13, 49:23, 50:1
Produced [1] - 1:25	putting [2] - 23:5, 27:21	refinanced [1] - 27:12	require [4] - 19:2, 28:4, 49:10	reviewed [1] - 28:7
professional [3] - 15:2, 34:8, 49:4	Q	refinancing [1] - 28:25	required [4] - 10:5, 46:18, 47:1, 49:6	reviewing [1] - 28:5
proffer [1] - 41:13	qualify [1] - 9:15	reflect [1] - 3:9	requires [1] - 47:8	revisit [1] - 52:1
proffered [1] - 34:24	questions [4] - 5:8, 5:11, 50:6, 53:2	reflected [3] - 20:9, 33:12, 48:9	reserve [2] - 11:11, 11:15	rights [3] - 5:2, 8:19, 23:10
program [1] - 48:20	quite [2] - 14:16, 28:9	reflects [2] - 15:21, 32:5	residence [4] - 12:13, 27:11, 27:22, 48:10	risk [10] - 13:14, 14:2, 14:4, 14:6, 15:20, 15:21, 16:11, 20:14, 21:15, 25:23
prohibited [1] - 48:17	R	Reform [4] - 13:11, 13:13, 20:11, 20:25	resident [1] - 15:1	RMR [1] - 54:18
prohibition [2] - 34:1, 42:3	raise [1] - 5:12	refrain [2] - 48:11, 48:12	resign [1] - 33:6	road [1] - 14:8
prolific [1] - 26:4	raised [1] - 35:24	reframe [1] - 48:7	resigning [1] - 33:10	role [1] - 35:22
promise [1] - 51:11	random [1] - 48:18	regard [1] - 29:20	resolve [1] - 41:11	Room [1] - 1:15
promptly [1] - 46:22	rarely [3] - 12:20, 21:1, 27:11	regarding [3] - 23:1, 23:2, 30:20	resolved [1] - 32:18	rotation [1] - 4:9
pronouncing [1] - 26:15	rather [2] - 25:12, 42:9	Registered [1] - 54:6	resolves [1] - 17:18	rubber [2] - 14:8, 21:2
proof [1] - 47:5	reach [1] - 19:19	regular [4] - 14:20, 15:11, 31:5, 46:22	resources [4] - 9:6, 23:17, 26:6, 28:11	rubber-stamp [1] - 21:2
property [26] - 17:14, 17:16, 17:17, 19:8, 20:4, 22:4, 22:5, 23:1, 23:23, 24:23, 24:24, 24:25, 27:6, 47:1, 47:6, 47:7, 49:13, 49:15, 49:20, 51:22, 52:1, 52:4, 52:7, 52:14, 52:19, 52:23	reachable [1] - 26:20	regulations [1] - 54:11	respect [17] - 11:13, 12:25, 14:24, 23:4, 24:19, 28:2, 29:13, 29:15, 29:20, 30:9, 31:16, 35:4, 35:12, 35:16, 42:21, 42:24, 44:4	safe [1] - 3:21
propose [2] - 31:19, 32:15	reaching [1] - 39:13	relate [1] - 29:18	respectful [1] - 41:13	safeguard [1] - 21:15
proposed [2] - 12:10, 12:18	read [2] - 5:25, 51:17	related [9] - 14:25, 35:1, 36:1, 39:2, 39:8, 39:22, 43:9, 43:14, 43:24	respectfully [1] - 23:17	sanctions [2] - 10:8, 51:13
proposes [2] - 12:12, 32:19	reading [3] - 11:1, 13:16	relating [1] - 30:15	satisfactory [1] - 41:13	scheduling [1] - 10:18
proposing [1] - 24:15	really [4] - 18:20, 21:22, 25:3, 34:8	relationship [5] - 33:15, 33:22, 34:8,	scary [1] - 3:20	school [3] - 5:19, 5:21, 5:23
	Realtime [1] - 54:5		scrupulously [2] -	
	reason [4] - 17:23, 23:20, 24:15, 47:17			
	reasonable [4] -			

15:14, 35:25 search [1] - 36:16 seat [2] - 2:3, 52:11 Second [1] - 28:21 second [3] - 34:9, 46:3, 48:4 secure [4] - 25:11, 25:12, 25:13, 26:11 secured [4] - 12:12, 16:16, 20:4, 24:2 securing [1] - 9:24 security [3] - 12:25, 24:4, 52:18 see [10] - 4:9, 16:10, 17:7, 17:23, 35:10, 37:18, 45:22, 51:21, 52:2, 52:21 seeking [1] - 30:12 seem [1] - 16:20 seize [1] - 33:19 self [2] - 25:21, 26:13 self-surrendered [1] - 26:13 self-surrenders [1] - 25:21 senior [1] - 2:9 sense [7] - 12:17, 18:16, 18:20, 22:7, 24:25, 25:10, 27:20 sensitive [1] - 27:16 sentence [2] - 46:18, 51:12 serious [3] - 13:14, 14:3, 22:9 seriously [1] - 21:1 serve [2] - 46:18, 51:12 Services [12] - 1:23, 12:11, 16:13, 29:24, 32:20, 42:5, 44:9, 44:18, 44:22, 46:21, 48:9, 48:16 Services' [1] - 44:5 set [5] - 3:4, 5:3, 9:11, 50:20, 51:13 setting [1] - 49:23 seven [1] - 35:17 several [6] - 11:18, 14:16, 14:23, 31:15, 32:25, 34:14 shady [4] - 27:9, 27:10 shall [2] - 46:22, 47:13 shocker [1] - 21:21 showed [1] - 22:16 showing [2] - 22:2, 22:24 shows [1] - 25:20 sign [8] - 19:5, 23:5, 27:5, 46:13, 49:20, 49:21, 52:12, 52:22	signature [3] - 28:15, 51:14 signed [2] - 47:2, 49:15 significant [6] - 20:20, 32:5, 35:21, 38:19, 39:12, 39:14 signs [1] - 18:10 silent [2] - 8:20, 8:24 simply [1] - 19:1 SINGER [1] - 1:20 singing [1] - 29:23 sit [1] - 27:20 situation [1] - 16:20 six [3] - 35:17, 36:19, 44:23 Sixth [2] - 9:2, 27:17 sledgehammers [1] - 43:3 smart [2] - 21:22, 50:13 social [6] - 31:16, 35:7, 35:13, 37:11, 37:12, 42:25 society [1] - 14:1 solve [1] - 23:9 someone [5] - 15:12, 34:17, 39:18, 41:2, 41:19 sometimes [1] - 50:9 somewhere [2] - 17:21, 18:17 son [3] - 23:3, 26:18, 39:9 soon [1] - 52:21 sophisticated [4] - 26:4, 26:6, 36:15, 50:12 sorry [5] - 26:17, 29:11, 29:13, 36:8, 38:22 sort [1] - 31:9 source [1] - 27:15 South [4] - 19:9, 19:22, 23:2, 26:22 SOUTHERN [1] - 1:2 Special [2] - 2:12, 2:13 special [4] - 7:24, 8:4, 8:9, 8:13 specially [2] - 3:3, 4:2 specifically [1] - 33:25 specifics [1] - 44:15 speedy [1] - 11:9 spider [1] - 27:20 spread [1] - 43:22 stage [1] - 9:3 stamp [1] - 21:2 stand [1] - 49:22 standard [2] - 32:20,	32:22 Stanley [1] - 2:10 STANLEY [1] - 1:15 started [1] - 4:9 state [1] - 46:15 statements [2] - 7:11, 24:13 States [16] - 2:5, 2:9, 4:21, 6:4, 7:6, 7:13, 7:22, 8:1, 8:7, 8:11, 10:6, 20:16, 33:18, 45:8, 54:6, 54:12 STATES [4] - 1:1, 1:3, 1:9, 1:13 status [6] - 5:3, 11:17, 11:25, 12:1, 12:4 stay [1] - 33:9 stays [1] - 17:17 stenographically [1] - 54:9 stenographically-reported [1] - 54:9 Stenography [1] - 1:25 step [1] - 22:20 stepmom [6] - 19:5, 19:16, 23:1, 23:5, 26:22, 28:16 Stokes [2] - 1:24, 4:8 story [1] - 27:20 straight [1] - 17:10 Street [5] - 1:15, 1:21, 17:14, 27:6, 51:22 strong [1] - 15:3 Stuart [1] - 2:21 STUART [1] - 1:17 subject [1] - 31:8 submit [2] - 34:2, 48:15 submits [1] - 37:12 submitted [1] - 31:20 substance [3] - 48:14, 48:17, 48:21 successful [1] - 28:24 sufficient [5] - 19:1, 20:5, 28:13, 42:14, 43:10 sufficiently [1] - 41:23 suggest [2] - 18:23, 29:19 suggested [1] - 41:18 suggesting [2] - 23:20, 41:20 suggestion [4] - 18:5, 28:5, 36:3, 41:17 suggests [1] - 18:9 Suite [2] - 1:13, 1:18 Sullivan [1] - 4:19 SULLIVAN [1] - 1:8 supervised [4] - 7:24,	8:3, 8:8, 8:13 supervising [2] - 46:22, 46:24 supervision [2] - 46:21, 50:11 supports [1] - 22:8 supposedly [2] - 25:1, 26:8 Supreme [6] - 13:2, 13:10, 13:12, 21:23, 30:14, 51:3 surrender [3] - 46:18, 47:11, 51:12 surrendered [1] - 26:13 surrendering [2] - 15:25, 46:7 surrenders [1] - 25:21 switch [1] - 42:9 sworn [1] - 5:13 system [2] - 15:13, 50:11	6:13, 6:17, 6:18, 6:21, 6:22, 7:18, 7:19, 8:17, 8:18, 8:25, 9:1, 9:22, 9:23, 10:4, 10:5, 10:15, 10:25, 11:1, 11:4, 11:6, 11:7, 11:11, 11:15, 11:21, 11:23, 12:16, 12:19, 13:3, 13:6, 16:12, 17:4, 18:12, 19:8, 19:12, 19:14, 19:17, 19:20, 19:24, 20:21, 21:5, 22:11, 22:17, 22:19, 22:22, 23:23, 24:6, 24:20, 25:16, 26:8, 26:14, 26:19, 26:23, 27:1, 27:4, 27:9, 28:8, 28:17, 28:23, 29:7, 29:10, 29:22, 30:8, 30:18, 30:22, 31:6, 31:22, 31:25, 32:3, 34:6, 34:11, 35:2, 35:18, 35:20, 36:1, 36:10, 36:19, 37:1, 37:19, 38:1, 38:17, 38:23, 38:25, 39:6, 39:10, 39:15, 39:20, 39:23, 39:25, 40:2, 40:5, 40:8, 40:13, 40:16, 40:21, 40:25, 41:4, 41:7, 41:11, 41:22, 42:1, 42:4, 42:11, 42:16, 42:19, 43:2, 44:11, 44:14, 44:20, 45:1, 45:6, 45:13, 45:17, 45:18, 45:21, 46:3, 46:9, 49:25, 50:1, 50:3, 50:4, 50:23, 50:24, 51:7, 51:8, 51:15, 51:16, 51:18, 51:19, 51:24, 51:25, 52:9, 52:10, 52:25, 53:1, 53:3, 53:4, 53:6, 53:8 theory [1] - 29:5 therapy [1] - 48:21 they've [2] - 50:10, 50:11 thinking [1] - 6:14 thinks [2] - 13:15, 37:19 third [1] - 34:16 Thomas [3] - 2:6, 4:17, 5:16 THOMAS [1] - 1:5 thoroughly [1] - 14:20 three [4] - 7:23, 7:25,
--	--	---	--	--

<p>16:14, 26:24 ties [5] - 14:24, 15:3, 15:5, 15:18, 16:10 Tim [1] - 4:19 timely [1] - 10:8 TIMOTHY [1] - 1:8 tingling [1] - 27:21 Title [3] - 7:5, 7:12, 45:10 today [22] - 3:7, 4:1, 4:13, 5:10, 6:16, 9:10, 9:17, 11:19, 12:4, 14:8, 17:15, 19:17, 26:1, 26:13, 26:15, 26:24, 45:22, 46:8, 48:3, 49:16, 49:21 tomorrow [2] - 27:3, 49:19 took [1] - 38:14 topic [2] - 29:12, 29:13 topics [1] - 35:13 total [2] - 24:8, 25:14 touched [1] - 25:17 tracks [1] - 25:3 traditionally [1] - 17:23 transactions [8] - 31:11, 32:12, 32:18, 34:3, 34:18, 35:6, 37:16, 42:23 transcript [2] - 54:9, 54:11 Transcript [1] - 1:25 TRANSCRIPT [1] - 1:8 Transcription [1] - 1:25 transfer [1] - 48:25 transparent [1] - 28:2 travel [15] - 15:24, 21:17, 22:10, 26:4, 29:15, 29:16, 29:20, 30:4, 44:4, 44:6, 44:16, 44:17, 44:22, 47:14 traveling [2] - 26:5 treatment [1] - 48:6 trial [5] - 11:9, 11:21, 21:11, 34:20, 37:17 tried [2] - 34:2, 37:15 true [1] - 54:9 trust [2] - 16:8, 43:8 try [5] - 19:19, 19:25, 20:1, 30:25, 36:23 trying [7] - 17:11, 21:14, 22:1, 28:19, 30:6, 30:7, 30:14 twice [1] - 45:12 two [15] - 4:3, 5:8, 9:4,</p>	<p>15:18, 17:2, 23:18, 31:9, 32:7, 33:15, 34:16, 39:7, 39:11, 39:13, 52:13, 52:20 type [1] - 49:1 types [1] - 30:12</p> <hr/> <p style="text-align: center;">U</p> <p>U.S [1] - 4:7 U.S.C [3] - 7:2, 45:9, 54:8 UK [1] - 26:18 unable [1] - 9:24 uncollectible [1] - 18:15 under [13] - 3:17, 3:19, 6:6, 6:14, 7:2, 9:25, 14:10, 16:14, 21:7, 21:10, 29:4, 46:20, 50:11 undergo [1] - 48:6 understandably [1] - 23:8 understood [2] - 39:15, 44:3 undertaking [1] - 28:7 unfortunately [1] - 36:22 United [16] - 2:5, 2:8, 4:20, 6:4, 7:6, 7:12, 7:21, 8:1, 8:6, 8:11, 10:5, 20:16, 33:18, 45:7, 54:6, 54:12 UNITED [4] - 1:1, 1:3, 1:9, 1:13 unlawful [1] - 48:13 unless [4] - 20:13, 22:4, 42:12, 48:14 unrelated [1] - 35:9 unsecured [2] - 25:9, 25:11 up [12] - 17:13, 19:7, 22:2, 22:16, 22:24, 23:5, 25:20, 27:22, 32:2, 35:18, 42:8, 47:13</p> <hr/> <p style="text-align: center;">V</p> <p>vacating [1] - 10:10 valuable [1] - 33:23 value [3] - 22:5, 33:9, 52:2 vast [1] - 26:2 verified [1] - 48:11 via [1] - 24:13 victim [1] - 47:25 view [5] - 21:10, 23:24, 24:1, 24:18,</p>	<p>25:10 violate [3] - 17:25, 46:15, 51:20 violates [1] - 17:21 violation [3] - 7:5, 7:12, 48:19 violence [1] - 13:24 visiting [1] - 26:17 voluntarily [4] - 15:10, 18:7, 22:16, 25:21 vs [1] - 1:4</p> <hr/> <p style="text-align: center;">W</p> <p>wait [1] - 12:15 waive [1] - 11:1 wants [1] - 29:8 warrant [2] - 21:8, 25:18 Washington [8] - 1:16, 22:6, 30:1, 47:3, 47:15, 47:19, 49:14, 52:17 ways [3] - 2:24, 9:4, 27:12 wealthy [1] - 52:6 weapons [1] - 48:8 week [1] - 32:9 Westlaw [1] - 45:8 WhatsApp [1] - 33:16 whatsoever [7] - 6:17, 15:21, 16:1, 16:11, 18:5, 35:5, 43:25 wife [4] - 15:7, 17:15, 51:22, 52:20 wildly [1] - 28:22 willful [2] - 7:7, 8:5 willing [2] - 19:6, 23:6 willingness [1] - 15:22 wing [1] - 3:20 Wisconsin [1] - 1:18 wish [1] - 37:18 wishing [1] - 35:8 witness [10] - 33:17, 37:5, 37:17, 39:12, 39:14, 39:24, 40:7, 40:18, 41:2, 47:25 witnesses [9] - 32:4, 32:21, 32:25, 33:12, 33:13, 34:1, 37:22, 38:11, 38:19 work-related [1] - 14:25 worth [2] - 19:9, 52:4 write [1] - 5:25 writing [2] - 46:12, 48:3 written [1] - 10:16</p>	<p style="text-align: center;">Y</p> <p>year [4] - 8:3, 8:6, 8:8, 33:15 year's [1] - 32:5 years [18] - 7:2, 7:8, 7:9, 7:21, 7:23, 7:25, 8:10, 8:13, 14:16, 14:23, 15:2, 15:7, 18:9, 20:22, 31:15, 40:4, 43:11, 43:12 York [2] - 29:17, 39:22 yourself [3] - 9:16, 9:24, 49:24</p> <hr/> <p style="text-align: center;">Z</p> <p>zero [2] - 13:10, 13:22 zeros [1] - 16:15</p> <hr/> <p style="text-align: center;">§</p> <p>§ [3] - 7:6, 7:13, 54:8</p>
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